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ISSUES SURROUNDING THREATENED NATIONAL HISTORIC LANDMARK  
DISTRICTS WITH CAPE MAY, NEW JERSEY, ABBOTT FARM, NEW JERSEY,  
AND LOCKE, CALIFORNIA AS CASE STUDY DISTRICTS

Suzanne Elizabeth Merriam

A THESIS

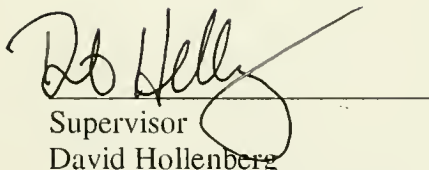
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Historic Preservation

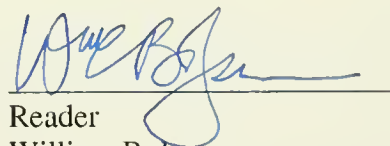
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## INTRODUCTION

National Historic Landmarks are defined as “buildings, sites, districts, structures, and objects that have been determined by the Secretary of the Interior to be nationally significant in American history and culture.”<sup>1</sup> These landmarks illustrate important contributions to the history of the Nation’s cultural and historical development, and the program was begun by the Historic Sites Act of 1935. In this Act, Congress declared that “it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States.”<sup>2</sup>

National Historic Landmark nominations are reviewed and selected by the Secretary of the Interior based on recommendations by the National Park Service Advisory Board which meets twice yearly at open meetings.<sup>3</sup> Potential Landmarks are identified through individual or theme studies done by the National Park Service, as well as in nominations by others including Federal Agencies, State Historic Preservation Offices, organizations, and individuals. Landmarks designated through this process by the Secretary all “possess exceptional qualities in illustrating or interpreting the history of

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<sup>1</sup> National Park Service, Secretary of the Interior’s Report to Congress on Threatened National Historic Landmarks. *America’s Historic Landmark’s At Risk*. (Washington, D.C.: U.S. Department of the Interior, 1998) Page 1.

<sup>2</sup> National Park Service, United States Code. Title 36: Parks, Forests & Public Property, Chapter 1: National Park Service, Department of the Interior, Part 65: National Historic Landmarks Program. Section 65.1.

<sup>3</sup> . De Teel Patterson Tiller, “The National Park Service’s National Historic Landmarks Assistance Initiative,” in the *National Historic Landmarks Steward’s Sourcebook*. (U.S. Department of the Interior, Washington, D.C.: National Park Service, 1998.)



the United States”<sup>4</sup> through architecture, archaeology technology and culture, and must encompass a high degree of integrity of location, design, setting, materials, workmanship, feeling and association.<sup>5</sup>

What distinguishes National Historic Landmarks from National Register historic properties is the fact that they illustrate the history of the nation rather than simply the region or locality in which they are situated. National significance is required in order to be designated as a National Historic Landmark. Thus, National Historic Landmark designation is an exclusive designation while National Register of Historic Places designation is inclusive.

All National Historic Landmarks are first put on the National Register of Historic Places, but while the list of National Register properties (which includes sites of local or regional significance) includes almost 65,000 entries, the list of National Historic Landmarks consists of 2,266 sites.<sup>6</sup>

Designation as a National Historic Landmark affords a private property no further protection than that of a National Historic Register property. A private owner can make whatever changes they want to their National Register or National Historic Landmark property without federal intervention, unless federal funding, licensing or permits are involved.<sup>7</sup> When federal funding, licensing or permits are involved, the property owner must follow the Secretary of the Interior’s Standards for the Treatment of Historic

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<sup>4</sup> Ibid.

<sup>5</sup> National Park Service National Register Bulletin 16A, *Guidelines for Completing the National Register of Historic Places Forms, Part A*. (Washington, D.C.: U.S. Department of the Interior, Revised 1986, 1991, 1997.)

<sup>6</sup> *America’s Historic Landmark’s At Risk*. Page 2.



Properties. Any federally owned historic property, however, also must follow section 106 of the National Historic Preservation Act of 1966. Section 106 requires that any project using federal money or requiring federal licenses or permits take into account the effect of the “undertaking”<sup>8</sup> on any district, site, building, structure, or object that is either included on or eligible for inclusion on the National Register. The head of the federal agency must allow the Advisory Council on Historic Preservation a reasonable opportunity to comment on the appropriateness of the “undertaking.”<sup>9</sup>

In the federal preservation legislation that broadly governs much of this activity, Historic Districts are broadly defined as “a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.”<sup>10</sup> National Historic Landmark Districts have historic or aesthetic themes that are nationally rather than only locally or regionally significant. National Historic Landmark Districts, like National Register Districts or local historic districts, typically have many owners and types of owners, such as cities and states as well as individual property owners. When a National Historic Landmark District is included within a city, the city government may preside over the preservation and administration of the historic district, if that local government has created its own preservation mechanisms and procedures. Cape May, New Jersey is an example of a

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<sup>7</sup> *National Historic Landmarks Steward's Sourcebook*. Page 4.

<sup>8</sup> An “undertaking” is defined as “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal Agency.”

Advisory Council on Historic Preservation, *National Historic Preservation Act of 1966, as amended*. (Washington, D.C.: U.S. Department of the Interior Third Edition, 1993.) Page 40.

<sup>9</sup> Advisory Council on Historic Preservation, *National Historic Preservation Act of 1966, as amended*. (Washington, D.C.: U.S. Department of the Interior Third Edition, 1993.) Pages 25-26.

<sup>10</sup>, National Park Service. *National Register Bulletin 16 A, Guidelines for Completing National Register of Historic Places Forms*. (Washington, D.C. U.S. Department of the Interior, 1997.) Appendix IV: 2.



local government overseeing preservation efforts within the city and its National Historic Landmark District. However, many National Historic Districts are located within municipalities that do not have any local preservation legislation, as in Abbott Farm, New Jersey and Locke, California.

Stewardship of National Historic Landmark Districts becomes even more difficult when a district is situated across county and township limits. Abbott Farm in New Jersey is an extensive archaeological site running under a developed community outside of Trenton in Mercer County, Hamilton Township. The district has many public and private owners and the site is extensive. The State Historic Preservation Office must deal with multiple governing entities in trying to carry out preservation projects. Mercer County does not claim responsibility for the District and the Township does not have a preservation ordinance, and local municipalities are thus unable to manage Abbott Farm effectively and protect it from threats such as further development and looting, or the removal of archaeological artifacts by the public unlawfully.<sup>11</sup>

National Historic Landmark Districts that do not fall into any city limits pose yet another kind of stewardship problem. The historic Chinatown of Locke along the Sacramento River Delta in California is a privately owned unincorporated town falling under the jurisdiction of Sacramento County. There is no local government to manage the historic district, and Locke is an additional challenge because the land itself is privately owned by one corporation.<sup>12</sup>

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<sup>11</sup> National Park Service. *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks*. (Washington, D.C.: U.S. Department of the Interior, September 30, 1998.)

<sup>12</sup> Christine Groth, "Regarding Locke, California: Telephone Interview with Christine Groth, Sacramento Housing and Development Agency." Interview by Suzanne Merriam. August, 1999.







One might conclude that a single municipal government should preside over preservation of National Historic Landmark districts, but although this might be necessary it is not always sufficient. Cape May is threatened because the local government has been unable to stand up to all of the developers who, in recent years, have favored demolition of historic resources instead of preserving them. The town has lost one defining historic hotel and may lose another because of this.<sup>13</sup>

As detailed above, National Historic Landmark Districts have distinct problems despite their national significance. There is no apparent protection or problem solving mechanisms in place to assist in their preservation and maintenance, and this thesis examines how districts manage their problems, with possible solutions. The threats to each of the chosen case study districts- Locke, California; Abbott Farm, New Jersey; and Cape May, New Jersey- have different symptoms. This thesis explores the extent to which those symptoms stem from similar causes. In any case, a study of the designation process of National Historic Landmark Districts is also presented herein, because that process currently lacks a requirement that National Historic Landmarks or Landmark Districts having any sort of management structure in place to preserve and maintain that district into the future.

The three case study districts were selected so as to represent a sampling of typical threats to National Historic Landmark Districts. These threats, as evaluated in the so-called Section 8 Report, "America's Historic Landmarks at Risk," include deterioration and incompatible new construction, demolition, erosion, vandalism or

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<sup>13</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*



looting.<sup>14</sup> The Section 8 Report is a list of all National Historic Landmarks that are threatened, and is presented by the Secretary of the Interior to Congress as well as the public in order to publicize the needs of these threatened landmarks. The list also includes landmark success stories and a “watch list” of landmarks that could eventually gain threatened status.

The three case study districts were compared by several criteria, and a matrix was developed in order to confirm that the districts indeed encompass a cross-section of threats. As shown on the following page, the matrix includes many points such as multiple ownership, (which all districts had in common) designation as a Certified Local Government, the availability of state grant funds, etc.

This matrix begins to suggest where weak spots in the federal, state, and local systems may be. This thesis explores those weaknesses in greater detail, and offers and evaluates proposed responses.

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<sup>14</sup> Ibid, page 5.



## **Explanation of Criteria Listed in Matrix (See Page 10)**

**Local Preservation Ordinance:** Local governments may have special ordinances that, in varying degrees of specificity, address the identification, protection and treatment of historic resources. Sacramento County has a preservation ordinance that affects Locke, and Cape May also has a preservation ordinance.

**Designated Local District:** This category shows whether the National Historic Landmark District is also designated as a local historic district (which typically means there is a local preservation ordinance in effect). Only Cape May has been designated as a local historic district. This can afford a higher degree of protection for historic resources as local governments usually have stronger preservation ordinances than the state or federal government.

**Designated State District:** States also have the ability to designate historic resources to a state register. All three districts are included in the state program of designation.

**State 106 Type Review:** Many states have followed the Federal government's lead and created their own version of the Federal Section 106 that mandates the review of any projects undertaken by the state, utilizing state money or requiring state licenses or permits that might adversely affect historic resources. Both New Jersey and California have a version of this.

**Rehabilitation Code for Historic Properties:** Many historic properties no longer meet the requirements set forth in their local building codes, as safety and building laws have changed and become more stringent since they were built. All three case study districts fall within jurisdictions that have a separate rehabilitation code for historic properties. This set of codes sets out procedures for addressing the discrepancy between the current building code and the building code that was followed when the property was built.

**Zoning Code Conforms to Existing Conditions:** Many districts do not conform to their municipality's current zoning code. This includes height restrictions, and building footprint to lot size restrictions. Locke does not meet the local zoning code because the buildings take up their entire lot, and the space between buildings is too narrow.

**Building Code Conforms to Existing Conditions:** The building code is a manual of rules for safe building practices, including accepting materials and accepted means of construction. The building code also requires minimum maintenance to a structure to ensure safe inhabitation. Since the buildings in Locke are in such serious decay, they do not meet even the historic building code enforced in Sacramento County.

**Single Ownership:** This question is meant to discern who has ownership of the historic resources within the district. All of the resources within the districts are owned by more





than one person. Even though the land in Locke is owned by one corporation, the houses are privately owned.

**Multiple Ownership:** This criteria shows that the properties within all three districts are owned by more than one entity.

**Easement Holding Organizations:** Certain governments and local non-profit organizations are equipped to hold easements on historic properties. A private owner is able to make a tax-deductible donation to this organization of the façade of their building or open space, and in turn, the easement-holding organization retains control of that façade or open space in perpetuity. Cape May and Abbott Farm both are able to participate in this program. The State of California has an easement program as well.

**Statewide Grant Programs:** States are not required to have grant programs for historic preservation. Both California and New Jersey have state-funded grant programs in place for preservation projects.

**Community Grant Programs:** Local governments are also not required to have grant programs for historic preservation. Currently Cape May is the only local government of the case study districts that has grant programs.

**Federal Tax Act Benefits:** The Federal Tax Incentives for Rehabilitating Historic Buildings is available to buildings or districts listed on the National Register of Historic Places. To be eligible for the 20% tax credit, a property must be income producing and the preservation work must be done in compliance with the Secretary of The Interior's Guidelines for Rehabilitation.<sup>15</sup>

**Certified Local Governments:** The National Historic Preservation Act established a nationwide program of financial and technical assistance to preserve historic properties. Through the Certified Local Government program, a local government is able to participate directly in the program when the State Historic Preservation Officer certifies that the local government has met certain requirements.<sup>16</sup> Essentially a Certified Local Government has an historic preservation commission, is able to enforce State or local preservation laws, provide for public participation and carry out any other state programs, ordinances or zoning restrictions.<sup>17</sup> Cape May was granted Certified Local Government status in February of 2000.

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<sup>15</sup> National Park Service. *Federal Tax Incentives for Rehabilitating Historic Buildings. Statistical Report and Analysis for Fiscal Year 1997.* (Washington, D.C.: U.S. Department of the Interior, 1997.)

<sup>16</sup> National Park Service. *National Register Bulletin 26: Certified Local Governments in the National Historic Preservation Program.* (Washington, D.C.: U.S. Department of the Interior.)

<sup>17</sup> National Park Service. *National Register Bulletin 26: Certified Local Governments in the National Historic Preservation Program.* (Washington, D.C.: U.S. Department of the Interior.)





## National Historic Landmark District Case Study Comparison List

	Regulation	Incentive	Locke	Cape May	Abbott Farm
Local Preservation Ordinance	X		county	yes	yes
Designated Local District	X		no	yes	no
Designated State District	X		yes	yes	yes
State 106 Review	X		CEQA	yes	yes
Rehabilitation Code for Historic Properties	X		yes	yes	yes
Zoning Code Conforms to Existing Conditions	X		no	yes	yes
Building Code Conforms to Existing Conditions	X		no	yes	yes
Single Ownership		X	no	no	no
Multiple Ownership		X	yes	yes	yes
Easement Holding Organizations		X	no	yes	yes
Statewide Grant Programs		X	yes	yes	yes
Community Grant Programs		X	no	yes	no
Federal Tax Act Benefits		X	yes	yes	yes
Certified Local Governments		X	no	yes	no
State Tax Benefits		X	yes	no	no
Local Tax Benefits		X	no	no	no



Before detailing the issues involved in the three threatened case study districts studied in this thesis, it is important to discuss what the threatened list is, and why this list is important. Sometimes referred to by the National Park Service as the Section 8 Report, the report entitled “America’s Historic Landmarks at Risk” is published every two years by the National Park Service for the Secretary of the Interior. This bulletin is presented to Congress in order to inform Congress and the American public on the imminent threats to and preservation needs of these select National Historic Landmarks. The most recent issue of this report was presented to the 106<sup>th</sup> Congress in 1998.<sup>1</sup>

The statistics regarding National Historic Landmarks as of the date of this most recent report are as follows. There are 2,266 designated National Historic Landmarks, and at any one time about 7% of them are threatened by damage, neglect, and/or inadequate planning. Another 10% of the Landmarks are listed on the “Watch” List, a list of National Historic Landmarks that might later be moved to the threatened list.<sup>2</sup> This brings a total of 17% of all National Historic Landmarks which in the judgement of the National Park Service are being maintained and conserved inadequately enough to warrant national attention.<sup>3</sup>

A National Historic Landmark is placed on the Threatened List or the Watch List when any of the qualities for which it was designated is significantly damaged or threatened. If the damage is severe or the threat is imminent, the Landmark will be

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<sup>1</sup> *Secretary of the Interior’s Report to Congress on Threatened National Historic Landmarks*. 1998.

<sup>3</sup> Ibid.



placed on the Threatened List. Threats could include planning and development pressures. These threats are often the result of a lack of understanding by the owner or manager of the National Historic Landmark of the need or methods to protect and preserve the character of the Landmarks or the lack of funding to rehabilitate them.<sup>4</sup>

In the time between the 1998 report and the report published in 1996, 19% of Landmarks listed on the earlier threatened list had been improved and a total of 55 of them have moved from the Threatened List to the Watch List. This shows that listing a Landmark on the Threatened or Watch Lists is valid preservation measure.<sup>5</sup> The following three case study districts therefore could have their chances for enhanced preservation increased as a result of the publicity generated from this list. In looking at each of their situations, it is difficult to find an easy solution to each of their problems, but before looking at currently threatened National Historic Landmarks Districts, it is refreshing to look at two districts that have successfully implemented preservation plans. These are the Bodie National Historic Landmark District and the Silverton National Historic Landmark District.

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<sup>4</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks*. Page 5, 1998.

<sup>5</sup> *Ibid*, page 4



## **Bodie National Historic Landmark District**

The Bodie National Historic Landmark District is an example of a National Historic Landmark saved from the list of threatened National Historic Landmarks.<sup>6</sup> Bodie was a booming mining town from 1859 through 1942, when the gold mines in the town finally went bust. Sporadic mineral exploration after 1942 kept the town from being completely abandoned, and a caretaker provided by the J.S. Cain Company, owner of many of the buildings in Bodie, protected the town from vandalism and looting. Buildings included in the 2,900 acre district include remnants of ore exploration, a red-light district and a “Chinatown.”

Bodie became a National Historic Landmark District in 1961, and the State of California began acquiring buildings in the district from the J.S. Cain Company so that they were able to open the Bodie State Historic Park in 1962. By 1986 the State had purchased 500 of the 2,900 acres and the Department of Parks and Recreation worked to stabilize the remaining buildings in a state of “arrested decay.”

In 1988, California State Parks notified the National Park Service that Bodie was threatened by a proposed large-scale mining operation on the bluff above the town. This served as a catalyst to the State of California to carry out further documentation and establish a boundary for the site. The State also focused on implementing long term goals proposed in the Bodie State Historic Park General Development and Resource Management Plan.

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<sup>6</sup> Ann Huston and B. Noah Tilghman, “Bodie, California: Preserving a Historic Mining Landscape,” in *CRM, National Historic Landmarks Assistance Initiative*. Washington, D.C.: U.S. Department of the Interior, Volume 20, number 9, 1997.) Pages 41-45.





Actions that the State Parks took included campaigning to educate the public and state resource agencies, and the creation of a “SAVE BODIE” committee to garner support in order to pass a legislative resolution to protect the district from further mineral exploration. The Parks Department involved other state agencies such as the Bureau of Land Management and Mono County. Mono County amended their general plan to include land use policy with recommendations regarding Bodie, and the California Bureau of Land Management declared Bodie an “Area of Critical Environmental Concern.”

The effort culminated in the legislation sponsored by then-Senator Diane Feinstein, the S-21 bill, also called the California Desert Protection Act, which created the Mojave National Preserve and established the Bodie Protection Act of 1994. This Act protected all 2,400 acres of the Bodie National Historic Landmark District.

Bodie was then taken off of the threatened National Historic Landmark list by the National Park Service, and is no longer vulnerable to future mining efforts. The biggest factor in protecting Bodie was the direct involvement of the State of California through the Parks Department. The outcome might have been quite different had the State never been so heavily invested with the preservation of Bodie, due to its remote location and the extreme decay of many of the buildings. The State was able to purchase and turn the entire area into a State Park. Bodie National Historic Landmark District illustrates what can be accomplished with state support in regards to National Historic Landmarks.



## **Silverton National Historic Landmark District**

Another example of the successful preservation of a threatened National Historic Landmark District is Silverton, Colorado.<sup>7</sup> This small town, population 720, had also been a mining town operating from 1847 up until 1992 when the Mayflower Mill closed. The town is located in a remote location with no ski or gaming industry to boost its economy like nearby Aspen or Black Hawk, but this isolation is also a blessing, as the buildings in Silverton have retained a high degree of integrity in the absence of development pressures that occurred in the resort towns.

The local preservation group, the San Juan Historical Society, was begun in 1965 and in that year they opened a museum in the town's jail. Soon after, the Historical Society was able to acquire the town's two historic railroad depots, although they had no plans for them. In 1975, one of the depots was bombed by some vandals, and the town questioned whether to rebuild or raze the remnants. The town saw the bombing as a catalyst to preserve the district and restored the depot. They rented both depots out free of charge in return for tenant's "sweat equity" work on preserving the buildings.

In the early 1980's the town was able to sell both depots when the rail line was put back into service. The total selling price for both was \$95,000 which afforded the Silverton Historical Society the funds needed for larger preservation projects like a building to house their archives. The archive was completed in 1992, and at the same time Silverton's town hall was badly damaged by fire. Again, the town considered razing

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<sup>7</sup> Christine Whitacre, "Small Town, Grand Plans: The Silverton, Colorado NHL," in *CRM, National Historic Landmarks Assistance Initiative*. (Washington, D.C.: U.S. Department of the Interior, Volume 20, Number 9, 1997.) Pages 29-31.



the building, but the Historical Society, with help from the National Park Service, convinced town officials that the building should be restored.

The Historical Society hired experts to analyze the damage and propose plans for rebuilding. They hired local people to do the rest, and now the town hall serves as an example of successful preservation. And since the completion of the town hall, the district has received large amounts of funding for more preservation projects. This includes an award of \$400,000 from the State of Colorado for additional restoration work, \$60,000 for a mill tour program from the Intermodal Surface Transportation Efficiency Act (ISTEA), and another ISTEA award through the “Friends of the San Juan Skyway” of an additional \$60,000.

Future plans include a museum housing an extensive collection of mining equipment. It is important to note that the Historical Society has no paid employees and is made up of only 300 members, of which only 80 live in town. It is heartening to realize that a volunteer staff with a relatively small number of local members was able to organize and preserve the district with such a high level of expertise and integrity. It illustrates the possibility that this can be achieved with other National Historic Landmark Districts throughout the country.



## **Locke National Historic Landmark District Locke, California**

Locke was built in 1915 for migrant Chinese farmworkers along the Sacramento River Delta after the nearby Chinatown was destroyed by fire. Most Chinatowns in America have evolved to become urban centers, but Locke has remained a relatively unchanged and unincorporated Chinatown since 1915, and this is what makes Locke unique within the United States.<sup>8</sup>

Locke National Historic Landmark District is made up of 53 contributing buildings and three non-contributing buildings on fourteen acres of land in rural Sacramento County as displayed in the district maps on the following pages.<sup>9</sup> The two main streets, River Road and Main Street, contained commercial buildings that housed grocery stores, boardinghouses, a bakery, a theater, school, restaurants, a tong headquarters, gambling houses, saloons and brothels. Most of these were built for the Chungshan Chinese immigrants who moved to Locke after a fire in nearby Walnut Grove that destroyed their homes.<sup>10</sup>

The Chungshan were a minority of the Chinese population in the Sacramento River Delta region, that had a commonality of language and a strong sense of communal identity and group cohesion that had persisted in Locke.<sup>11</sup> This group, under the

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<sup>8</sup> Locke, California. National Register of Historic Places Nomination Form. (San Francisco, California: National Park Service, 1976.)

<sup>9</sup> Ibid, Page 1.

<sup>10</sup> Ibid, page 3.

<sup>11</sup> Ibid, page 23.





leadership of Lee Bing and six other local merchants, leased the land through a verbal agreement from the family of George Locke, who owned the land and the pear orchard along the northern edge of the district.<sup>12</sup> Because Chinese who were not born in the United States were excluded from owning land or property due to the passage in 1913 of the California Asian Land Act, the land could only be leased and not purchased from the Locke family.

Locke's Chinese residents paid rent for their 32' x 75' lots on the basis of use: commercial buildings were charged ten dollars and residential buildings were charged five dollars per week. The buildings were constructed mainly between 1915 and 1917 and were erected by Caucasian contractors using the inexpensive materials typical of worker housing. The buildings were wood frame with wood siding and corrugated metal roofs. The style was referred to in the Historic Register District nomination as "Riverfront woodcutter's gothic commercial," a vernacular style popular in the West, designed to serve a particular geographic need. The buildings had a rectangular plan, gable roofs, false fronts, drop siding and second story balconies.<sup>13</sup>

A unique element found in Chinatowns was the use of ideographs and signboard calligraphy on windows, building walls and hanging boards in Chinese. This was used as a form of advertising but also was believed to have mystical powers and the ability to bring good fortune. An example of these ideographs is illustrated over the entrance to the Dai Loy Museum on page 23. In 1977, the Estate of George Locke sold the land

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<sup>12</sup>ibid, page 23.

<sup>13</sup> Locke, California. National Register of Historic Places Nomination Form. (San Francisco, California: National Park Service, 1976.) Page 4.

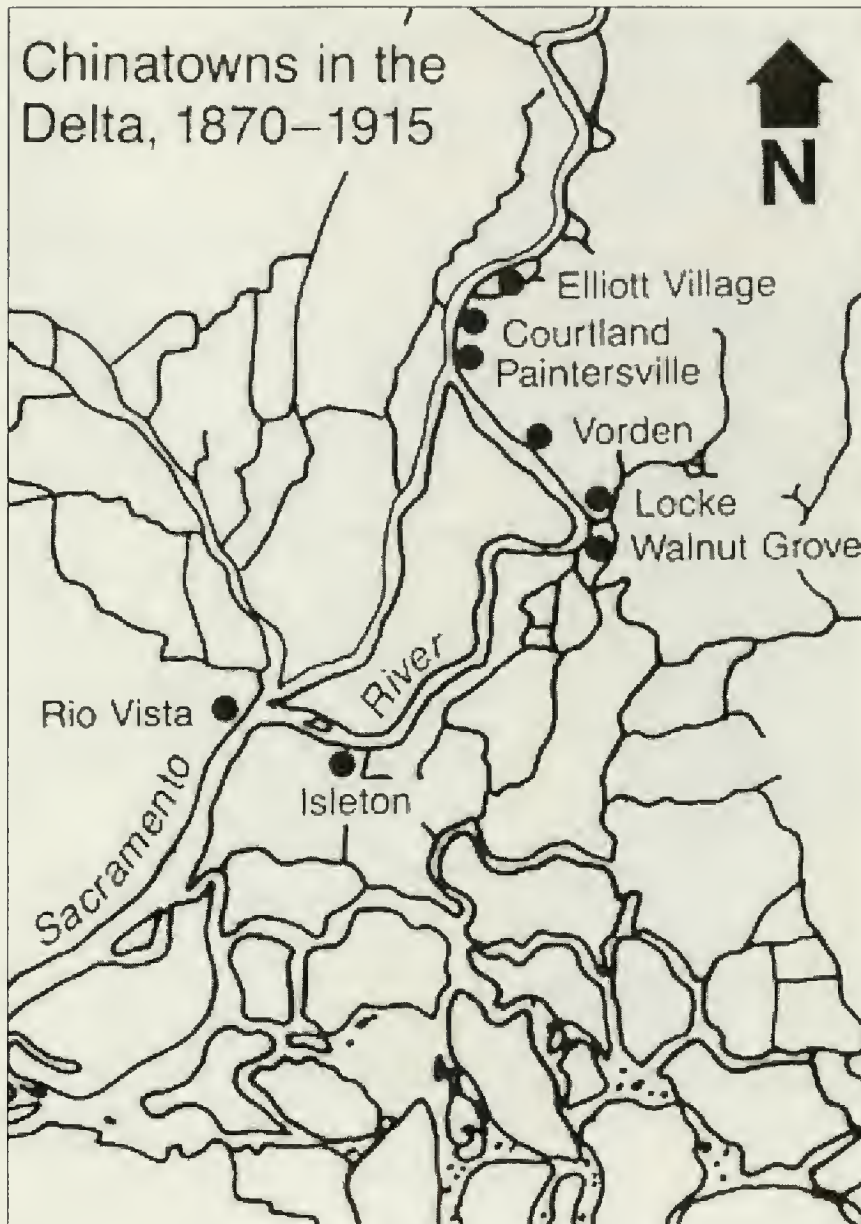




**Figure 1**

This map shows the location of Locke along the Sacramento River Delta.  
Jeff Gillenkirk and James Motlow, *Bitter Melon, Inside America's Last Rural Chinese Town*.  
(Heydey Books, Berkeley, California: 1997) Page 23.

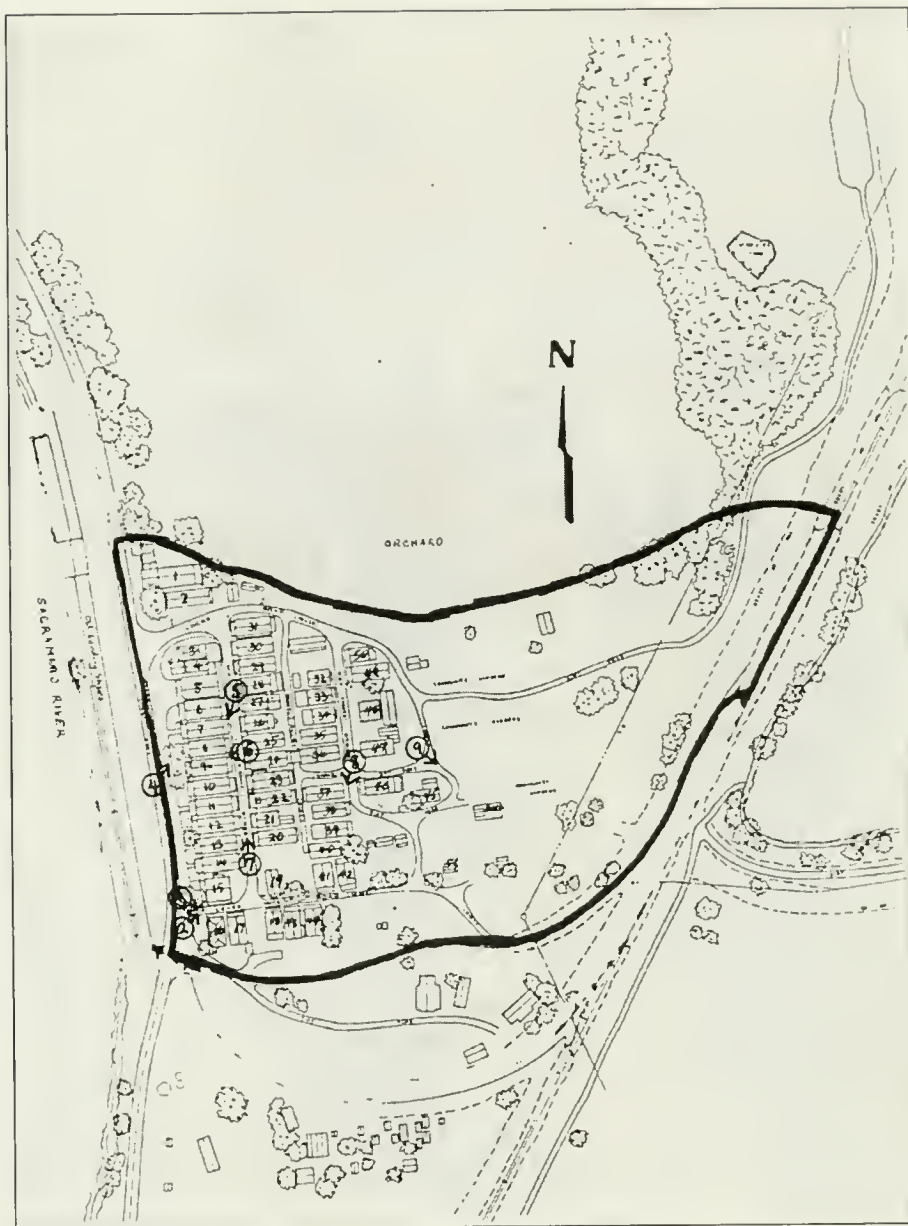




**Figure 2**

Locke was the last Chinatown built along the Sacramento River Delta in 1915.  
 Jeff Gillenkirk and James Motlow, *Bitter Melon, Inside America's Last Rural Chinese Town*.  
 (Heydey Books, Berkeley, California: 1997) Page 30.



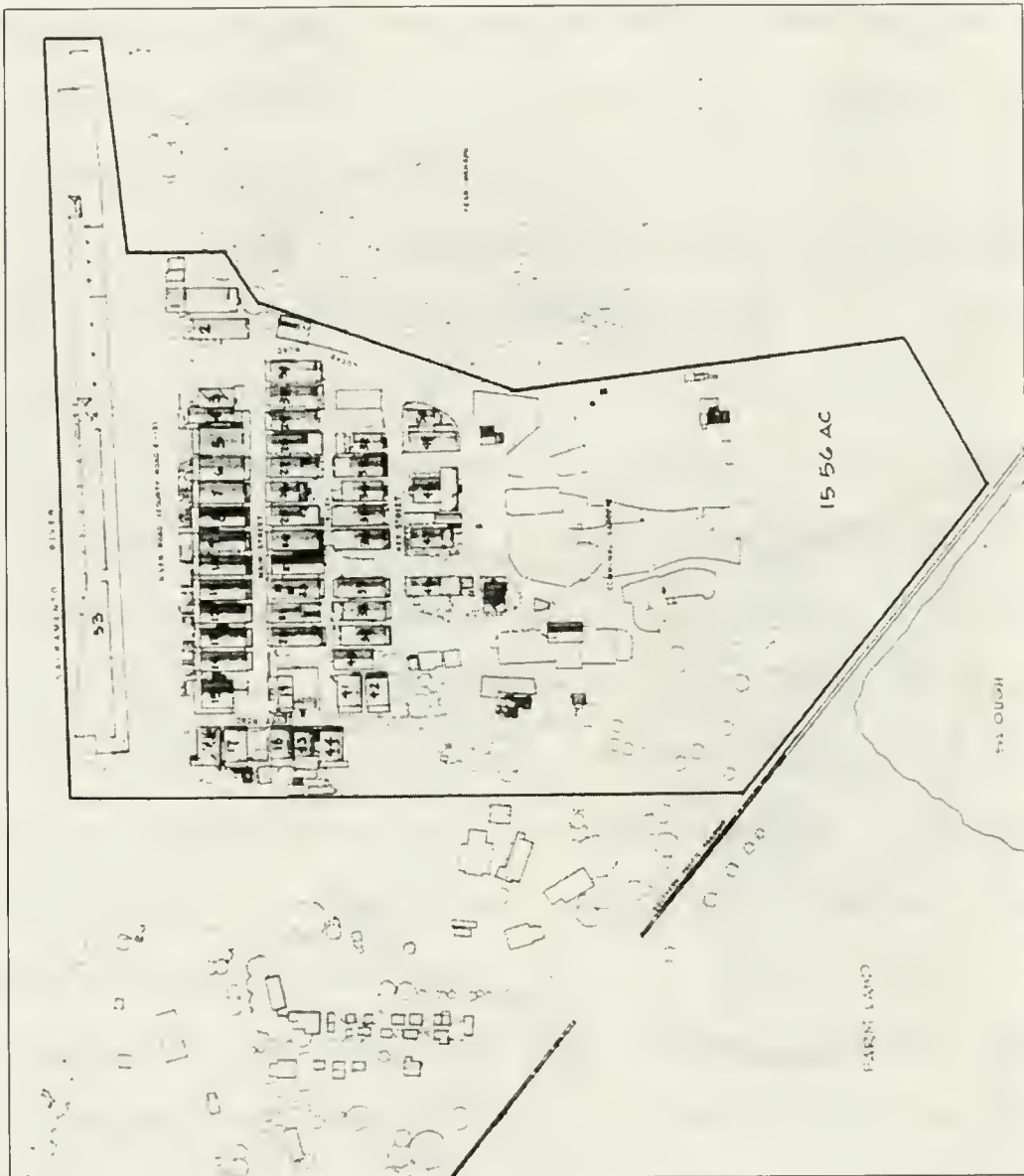


**Figure 3**

This map outlines the boundaries of the Locke National Historic Landmark District. George Locke's pear orchard is located at the northern boundary, the community garden is at the eastern section, the Sacramento River is to the west. Map from the Sacramento Housing and Redevelopment Agency. 1976.







**Figure 4**

This map shows the streets of Locke with the buildings with the district boundary clearly defined. The two main streets are the River Road, which is on the levee and thus elevated from the rest of the town, and Main Street. The secondary streets are Locke Road and Key Street. Key Street is unpaved.

Map from the Sacramento Housing and Redevelopment Agency. 1976.



containing the National Register District to Mr. Ng Doo Tai of Hong Kong, who was head of Asian City Development, Inc. This group had many development ideas, including a theme park, none of which came to fruition.<sup>14</sup>

In 1974 Locke received attention when the Director of the State Park System in California, William Penn Mott, proposed to include major parts of the town in the State Park System. This was never carried through.<sup>15</sup>

Through all of this, the district has remained relatively unchanged physically. There have been few alterations and almost no new construction since the 1920's. The district was originally nominated as a National Historic Landmark District in 1990 under the criteria of "American Ways of Life, Ethnic Communities, Chinese Americans."<sup>16</sup> The town holds a legacy of anti-Asian discrimination, and it's significance lies not so much in its age but in the fact that it has retained its physical integrity. The pictures on the following page are views of Locke taken in 1939 and 1999. Aside from the cars, nothing else has changed in the last 50 years.

The threat to the district is essentially a lack of an organized local preservation interest in the town. As maintenance and planning problems occur, there is no organization in the area dedicated to raising funds or lobbying for changes in current situations in the town. The entire situation lays stagnant as talks between the property manager that represents Asian City Development, Inc., Clarence Chu, and the

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<sup>14</sup>Ibid, page 25.

<sup>15</sup>Ibid, page 25.

<sup>16</sup>Locke, California. National Register of Historic Places Nomination Form. (San Francisco, California: National Park Service, 1976.) Page 19.





**Figure 5**  
Dai Loy Museum showing the Chinese ideographs over the entrance.  
Photo by author, 1999.

Sacramento Housing and Redevelopment Agency discuss future ownership issues. Clarence Chu is frustrated with the bickering that occurs at meetings regarding the town, and the politics involved with preservation efforts. Many people who speak out are only renters, and with a population of less than 100, a few voices can make a lot of noise. He believes that quietly getting the job done with as little publicity as possible is the best prescription for preservation efforts.<sup>17</sup>

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<sup>17</sup> Clarence Chu, "Regarding Locke, California: Telephone Interview with Clarence Chu, Locke Property Manager." Phone Conversation with Clarence Chu, Property Manager." Interview by Suzanne Merriam, February 2000.







**Figure 6**

Historic view of the Sacramento Delta with riverboat. The Levee Road that runs by Locke is similar to this one.

Jeff Gillenkirk and James Motlow, *Bitter Melon, Inside America's Last Rural Chinese Town*. (Heydey Books, Berkeley, California: 1997) Page 81.

A result of the lack of stewardship is the poor condition of the buildings currently. The two-story buildings on River Road and Main Street have major structural problems and are bowing out. A first attempt to stabilize these buildings in 1998 failed and has to be done again. Along with structural failure, the wood on the exterior of the buildings has deteriorated as evidenced in the picture on page 27.







**Figure 7**

View of Main Street, 1939.

Jeff Gillenkirk and James Motlow, *Bitter Melon, Inside America's Last Rural Chinese Town*.  
(Heydey Books, Berkeley, California: 1997) Page 111.





**Figure 8**  
View of Main Street, 1999.  
Photo by Author, 1999.

The education of the inhabitants of Locke and tourists that come through is passive at best. The Dai Loy Museum on Locke's Main Street is run by the Sacramento River Delta Historical Society yet is not inviting to tourists and does not seem to reach out to the community in an effort to educate the area of the history and significance of the town. The Locke website itself, run by Clarence Chu, lists the town as a national register district but not a National Historic Landmark District.<sup>18</sup>

The buildings in Locke are threatened today because of years of neglect. The

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<sup>18</sup> Locke Website, <http://www.locketown.com>





**Figure 9**

This picture illustrates the general condition of the buildings between the Levee Road and Main Street.

Photo by Author, 1999.





town also desperately needs a new sewer system, as the one currently in place is the original from 1915.<sup>19</sup> The major problem with rehabilitation of the buildings is that the land is still privately owned. This prevents the owners of the buildings from securing home loans because they don't own the land.

All that has been done in Locke is emergency stabilization of select buildings to prevent them from collapsing. In Late January of 2000, the County of Sacramento was able to get \$250,000 for more emergency stabilization for 10 of the buildings in town.<sup>20</sup> In summation, the district needs a constituency to help push for preservation planning and funding in order to stabilize the buildings in this historic Chinatown along the River Delta before it literally collapses. Clarence Chu is hopeful that the town will survive all of its problems, and he might be right. Since the district has been listed in the Section 8 report, it should get the support that it needs for rehabilitation.

Current residents of Locke include artists and people who work in nearby areas. There are a few Chinese inhabitants left. During the summer months, Locke is a relatively popular destination for boaters from the River Delta. Al's Place, a restaurant located on Main Street, brings the tourists to the town, and visitors meander through the streets and alleys on their way in and out of the town. There is access to Locke from both the front and rear of town, and many visitors walk right through the community garden on their way into town.

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<sup>19</sup>Christine Groth, "Regarding Locke, California: Telephone Interview with Christine Groth, Sacramento Housing and Development Agency." Interview by Suzanne Merriam, August, 1999.

<sup>20</sup> Clarence Chu, "Regarding Locke, California: Telephone Interview with Clarence Chu, Locke Property Manager." Phone Conversation with Clarence Chu, Property Manager." Interview by Suzanne Merriam, February 2000.





The Sacramento River Delta Historical Society has an aging membership, and although their few active members are interested in Locke, they have admitted that they lack the expertise and energy to carry out a campaign to save Locke. With consultation and experiential support from people trained in preservation, this group could be equipped to bring about a stronger membership and begin to work to preserve Locke.



**Abbott Farm Historic District**  
**Mercer County, Trenton Vicinity, New Jersey**

With over 2,000 acres, Abbott Farm is the largest known Middle Woodland (c.a. 500 B.C.-500 A.D.) village site in the coastal Mid-Atlantic/New England region. The discovery of man-made implements in glacial gravels on the Farm in 1872 also made the area the center of a famous 40-year long controversy over the existence of glacial man in the New World, a controversy in which many of America's and Europe's most distinguished scientists participated.<sup>21</sup>

The district mainly encompasses two geographic areas, one being the low marsh land along the Delaware River and the high bluff above it, about two miles below the falls at Trenton. The high bluff originally gained attention in 1872 with the documentation of 18<sup>th</sup> Century structures and foundations that were associated with the first settlers of Hamilton Township. These included the C.C. Abbott house, known as "Three Beeches," that Charles Conrad Abbott used as his base of operations during his quest to find evidence of glacial man.<sup>22</sup>

The test excavations that were conducted in the area in the 1980's demonstrated that the entire bluff area contains artifactual material representative of the Paleo-Indian through Late Woodland periods with a variety of features that include postmolds, hearths, burials and pits. The district holds evidence of human habitation from 10,500 B.C. to

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<sup>21</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*

<sup>22</sup> Abbott Farm, New Jersey. National Register of Historic Places Nomination Form for Abbott Farm, New Jersey. (Trenton, New Jersey: National Park Service. August 18, 1976.) Page 1.



1620 A.D.<sup>23</sup> The lowland section of the site consists of marshy and dry land, is undeveloped and is densely vegetated. The lowland section has evidence of Early, Middle and Late Woodland occupations.<sup>24</sup>



**Figure 10**

The lowlands area and Crosswicks Creek, Abbott Farm National Historic Landmark District.  
Photo by Author, 2000.

The people referred to as Middle Woodland lived in the Eastern United States from 500 B.C. through 500 A.D. Their culture was distinguished by rapid and extensive change. They had well developed trade systems and innovations in material culture including elaborate ceramic, lithic and metal items.<sup>25</sup>

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<sup>23</sup> Trenton Complex Archaeology. Abbott Farm National Historic Landmark. (The Cultural Resource Group of Louis Berger & Associates, Inc. East Orange, New Jersey, 1996: Page 6).

<sup>24</sup> Abbott Farm, New Jersey. National Register of Historic Places Nomination Form for Abbott Farm, New Jersey. (Trenton, New Jersey: National Park Service. August 18, 1976.) Page 2.

<sup>25</sup> Ibid, page 1.



Abbott Farm is significant in American history on several levels. It provides the best evidence for Middle Woodland Period exchange systems in the coastal Mid-Atlantic/New England area and demonstrates some of the most complex and diverse ceramic styles of that region. Abbott Farm excavations have discovered evidence of the only dense Middle Woodland village occupation in the Mid-Atlantic/New England coastal region. All other sites contain only burial grounds. This site has also played an important role in the development of the fields of archaeology and geology, and was the focal point of a forty-year controversy concerning the existence of early man in the New World.<sup>26</sup>

In addition to the extensive archaeological history of the district, there are several farmsteads that give information about the influx of European settlement in the Trenton area from the 17<sup>th</sup> to the 20<sup>th</sup> Century.<sup>27</sup> When the Cultural Resources Group documented and published the history of Abbott Farm's historic structures for the Federal Highway Administration in 1998, they found four homesteads of particular importance.<sup>28</sup> There were the Robert Pearson Farmstead, the Abbottville Farmstead, the Tindall/Pearson Farmstead and the C.C. Abbott Farmstead. Their existence helps explain the settlement pattern found in the Central Delaware Valley in the 17<sup>th</sup> Century.<sup>29</sup> These are pinpointed on the map on the below. None of these structures remain in existence today.

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<sup>26</sup> Ibid, page 1.

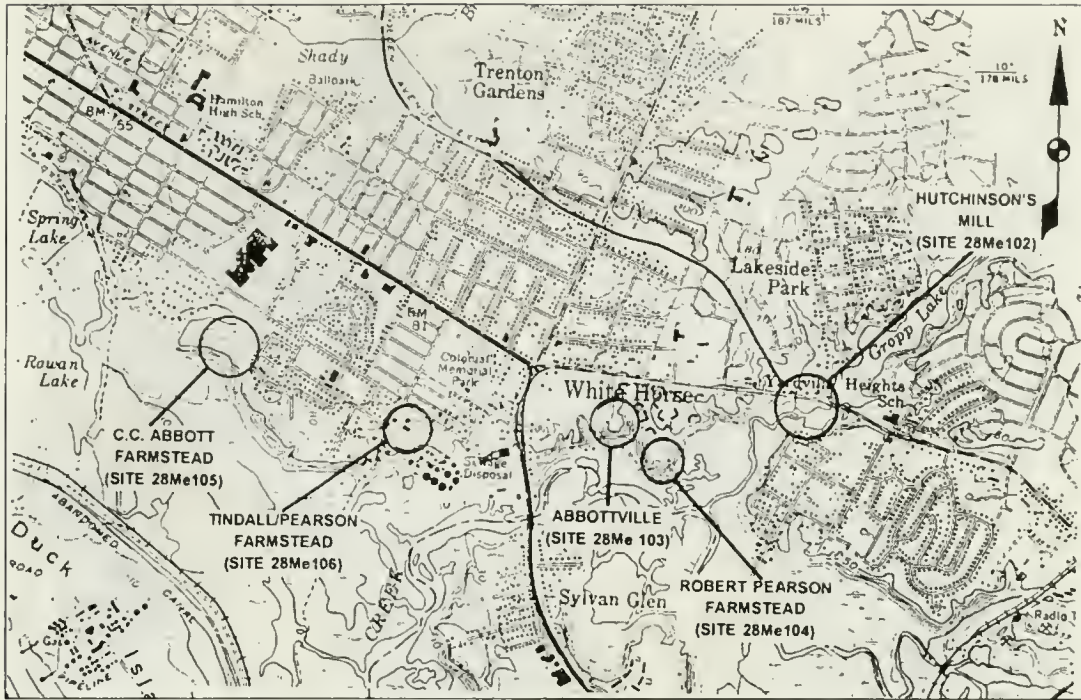
<sup>27</sup> Trenton Complex Archaeology. Abbott Farm National Historic Landmark. (The Cultural Resource Group of Louis Berger & Associates, Inc. East Orange, New Jersey, 1996: Page 6).

<sup>28</sup> Trenton Complex Archaeology, Report 12. Historic Sites. (Cultural Resources Group, Louis Berger & Associates, Inc. Prepared for the Federal Highway Administration and the New Jersey Department of Transportation Bureau of Environmental Analysis. 1998, page 1.)

<sup>29</sup> Ibid page 1.





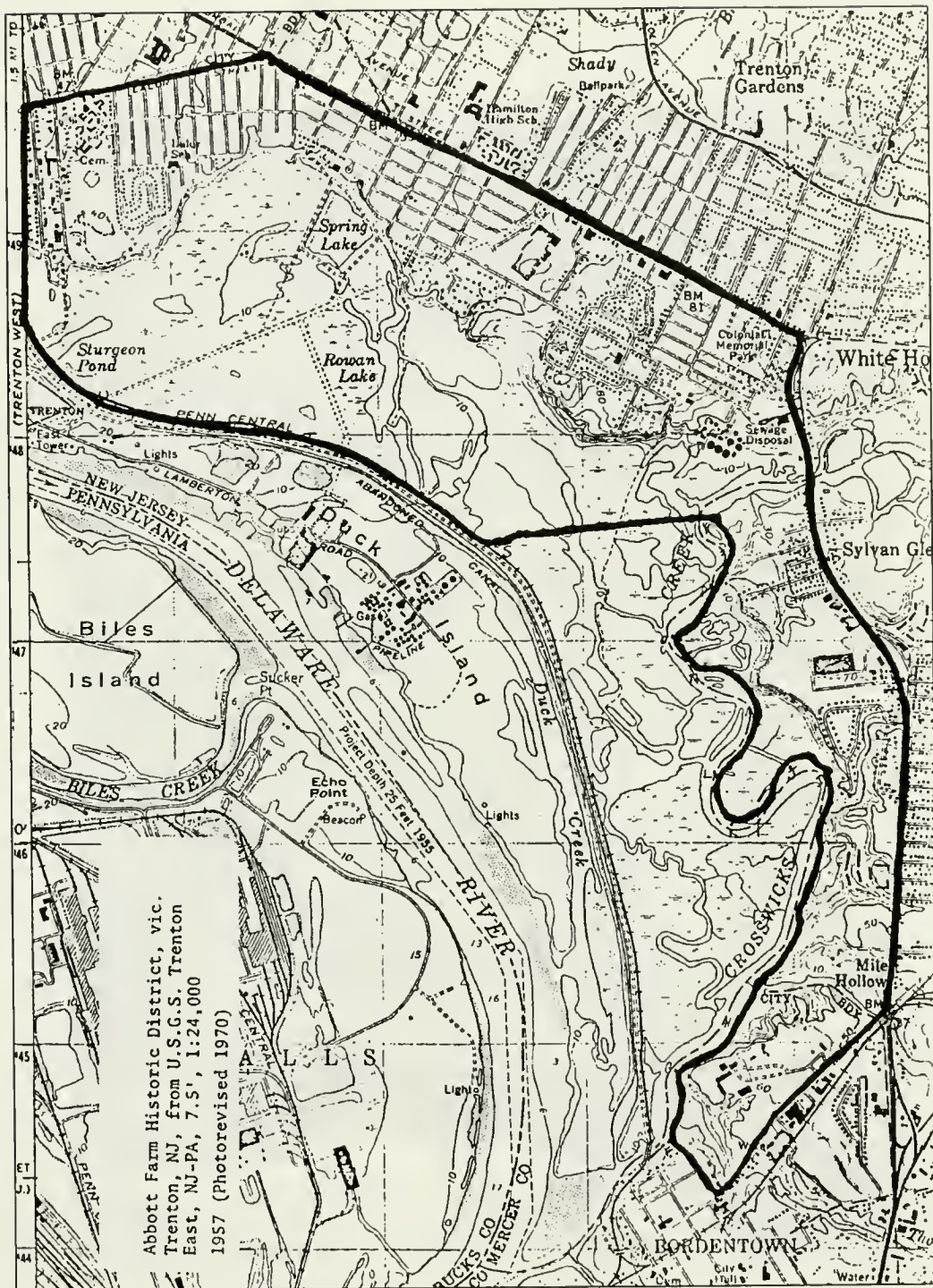


**Figure 12**

This map shows the farmstead locations throughout the Abbott Farm National Historic Landmark District.

*From Trenton Complex Archaeology, Volume 12, page 28.*





**Figure 12**  
Boundary map for Abbott Farm National Historic Landmark District.  
From the national Historic Register Nomination Form, 1976.

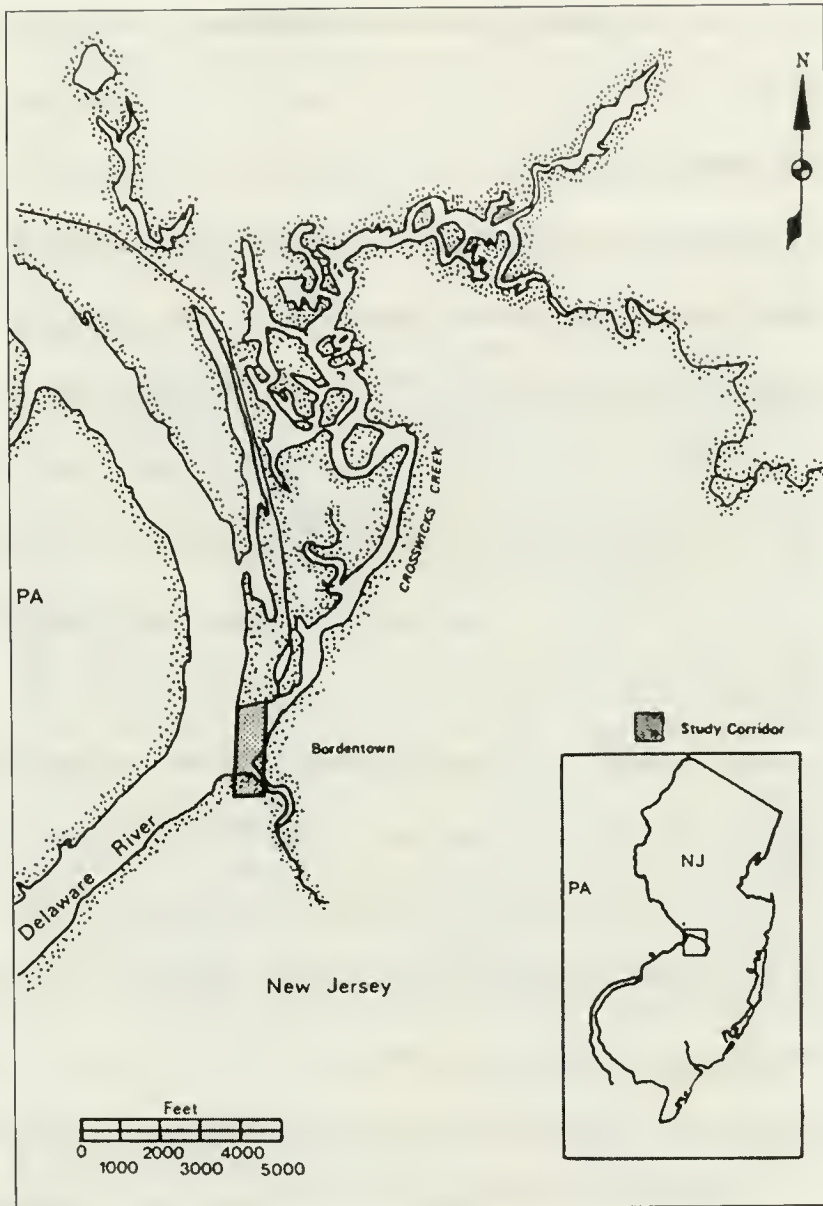






**Figure 13**  
 Current Road map showing Hamilton Township in Mercer County, New Jersey.  
 Geographia map Company, Weehawken, New Jersey.





**Figure 11**

This map shows the archaeological project location for Abbott Farm within the context of the State of New Jersey.

Federal Highway Administration and New Jersey Department of Transportation Bureau of Environmental Analysis, *Trenton Complex Archaeology*: (The Cultural Resource Group, Louis Berger & Associates: East Orange, New Jersey, 1998) Page 410.





The John Abbott Farmstead, a cousin of C.C. Abbott, located just outside of the District Boundaries, is owned by Hamilton Township, which is not a Certified Local Government and does not have a preservation ordinance. The Hamilton Township Historical Society acts as a steward for the John Abbott Farmstead, and were responsible for the rehabilitation of the house and its continued maintenance several years ago.

Within the historic district is the Watson House, built in 1708 and run as a house museum and private residence. The owners of the Watson House have no communication with the Hamilton Township Historical Society and have never visited the John Abbott Farmstead. This displays a lack of organization and communication of the stewards of historic resources in the area.

The archaeology within the district is threatened because of recent looting and development pressures. Looting is occurring in the wilderness sections of the district and is a threat because looters not only remove artifacts but disturb the layers of soil thus removing the ability to track the chronological sequence of occupation.<sup>30</sup> Pressures for development of the wilderness areas within the district boundaries also exist as the need for more housing grows in this suburban area. The untrained and uneducated population probably do not realize the archaeological significance that the undeveloped land holds and therefore cannot understand why it should not be developed.

A land conservancy in the central New Jersey area, Delaware & Raritan Greenway, Incorporated, had been carrying out an education and planning effort aimed at protecting the Abbot Farm resources in 1998, but they are not currently involved with the

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<sup>30</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*



district.<sup>31</sup> The National Park Service has also assisted in the recent past with the educational component of the project through the Challenge Cost Share Program. With this grant, the Delaware & Raritan Greenway, Inc. installed signposts along the highway that runs through the district giving information on the history of the area. There is also a turnout along the highway with an informational display.<sup>32</sup>



**Figure 15**

This is one of the signs produced by Delaware & Raritan Greenway, Inc. to inform the public about the history of the area.

Photo by Author, 2000.

<sup>31</sup> Delaware & Raritan Greenway, Inc. "Telephone Interview with Delaware & Raritan Interview by Suzanne Merriam. January, 2000.

<sup>32</sup> Bill Bolger, "Regarding Abbott Farm, New Jersey, telephone interview with Bill Bolger, Director of the National Historic Landmarks Program, Mid-Atlantic Region of the National Park Service." Interview by Suzanne Merriam, March 22, 2000.



This district spans Mercer County and is contained within Hamilton Township. With both public and privately held land, Abbott Farm is too large for the State Historic Preservation Office to treat as a single cohesive district, and for this reason it is not included in the state or municipal codes, which typically do not address archaeological protection anyway.<sup>33</sup> The undeveloped sections of the district are wooded and are accessible from public property so that looters can forage undetected. The archaeological work conducted in the 80's in the district was published thereby making all information available for the public, including maps of the site so that artifact collectors can figure out where to dig for themselves.<sup>34</sup>

Current concerns in this area over development are focused on conservation of the landscape rather than preservation of archaeology, and the historic significance of Native American artifacts seems to be overlooked as a national treasure by local residents. Tom Glover, the president of the Hamilton Township Historical Society has personally foraged through the archaeological areas for glass bottles and admits that the Historical Society is not involved with the archaeological artifacts as most of the archaeology is located under developed land. This shows the lack of education and sensitivity to the historic artifacts that people involved with the Abbott Farm National Historic Landmark District at the

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<sup>33</sup> Michael Gregg, "Telephone interview with Michael Gregg, Historic Preservation Specialist, Archaeology, New Jersey Office of Historic Preservation, Trenton, New Jersey." Interview by Suzanne Merriam September, 1999.

<sup>34</sup> Michael Stewart, "Telephone interview with Michael Stewart, Archaeologist, Temple University, Philadelphia, Pennsylvania." Interview by Suzanne Merriam. January 2000.





local level have. The Historical Society is only involved with preserving and maintaining the home of Dr. Abbott's relatives.<sup>35</sup>

Solutions for Abbott Farm are not easy. Some include having critical tracts within the district purchased by sympathetic owners and preserved, or putting up fencing in some areas to keep looters out.<sup>36</sup> Since the district is an archaeological one, it has different issues than historic districts. Tourism is generally not encouraged at archaeological sites because of the potential of disturbing the artifacts, and since the artifacts are buried underground, there is nothing for tourists to see, and essentially an archaeological site is not economically viable. Fencing the site might sound like a simple solution, but this brings up the issue of making the site available to the public and the rights of the property owners to their land. Another possible solution would be the creation of a stewardship program involving the residents of Hamilton Township. This includes the creation of watchdog programs, and educational activities in the district to reduce site vandalism.<sup>37</sup> Because of this separate set of problems, the best thing for Abbott Farm might be for the critical tracts located in the undeveloped areas to be purchased by the New Jersey State Park System and treated as a State Park. This would provide staffing to protect the area from looters and would also preserve the open space woodland, a rare commodity in New Jersey, forever.

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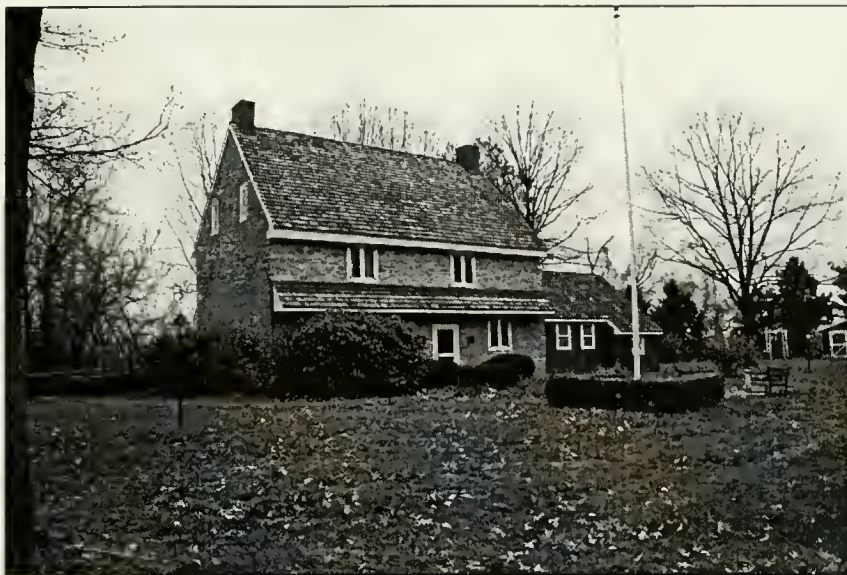
<sup>35</sup> Tom Glover, "Telephone interview with Tom Glover, President of the Hamilton Township Historical Society, Hamilton, New Jersey." Interview by Suzanne Merriam. February, 2000.

<sup>36</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*

<sup>37</sup> National Park Service, *Protecting Archaeological Sites on Private Lands.* (Washington, D.C. U.S. Department of the Interior, 1993) page 84.







**Figure 16**

The Watson House, located within Abbott Farm National Historic Landmark District. Built c. 1708.  
Photo by author, 2000.



**Figure 17**

The John Abbott House, dating from c. 1730.  
Photo by Author, 2000.



**Cape May Historic District**  
**Cape May County, New Jersey**

With over 600 summer homes, hotels and commercial structures contributing to the National Historic Landmark District, this Victorian seashore resort has one of the largest collections of 19<sup>th</sup> century frame buildings remaining in the United States. It may also be the oldest seashore resort in the United States.<sup>38</sup>

Cape May, located at the southern tip of New Jersey, was first discovered by European explorers, first by Sir Henry Hudson in 1609, and in 1621 by Cornelius Jacobson Mey, a Dutchman, who explored the coast of Cape May as a representative for the Dutch West India Company and gave the town its name. Soon after, two other representatives from the same company arrived in Cape May and made the first land purchase in the county from local Indians. The tract of land ran four miles along the bay from Cape May Point northward and twelve miles inland.<sup>39</sup>

In 1632, David Pieterse DeVries, a seaman, was credited for becoming the first resident landowner in Cape May. He established a fishing industry in the town, including whaling. The whaling industry grew and six years later English colonists migrated to Cape May from New England in order to take advantage of the whaling prospects.<sup>40</sup>

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<sup>38</sup>*Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*

<sup>39</sup>Cape May, New Jersey. National Register of Historic Places Nomination Form for Cape May, New Jersey. (Trenton, New Jersey: National Park Service, 1976.) Page 1.

<sup>40</sup> Ibid, page 1.





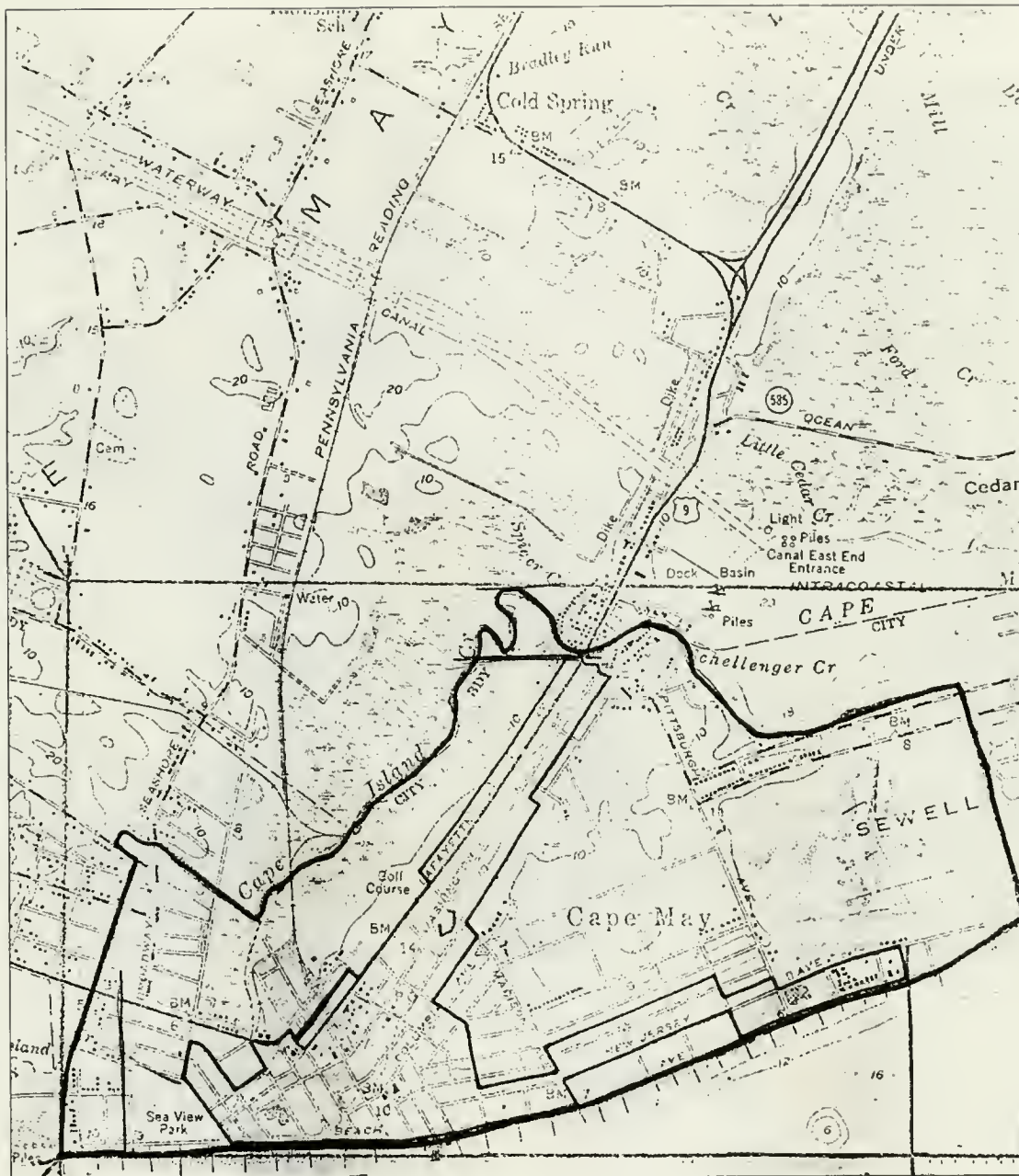
**Figure 18**

Map Showing Cape May Point.

Map courtesy of Cape May Website, <http://www.captainadam.com/capemay>



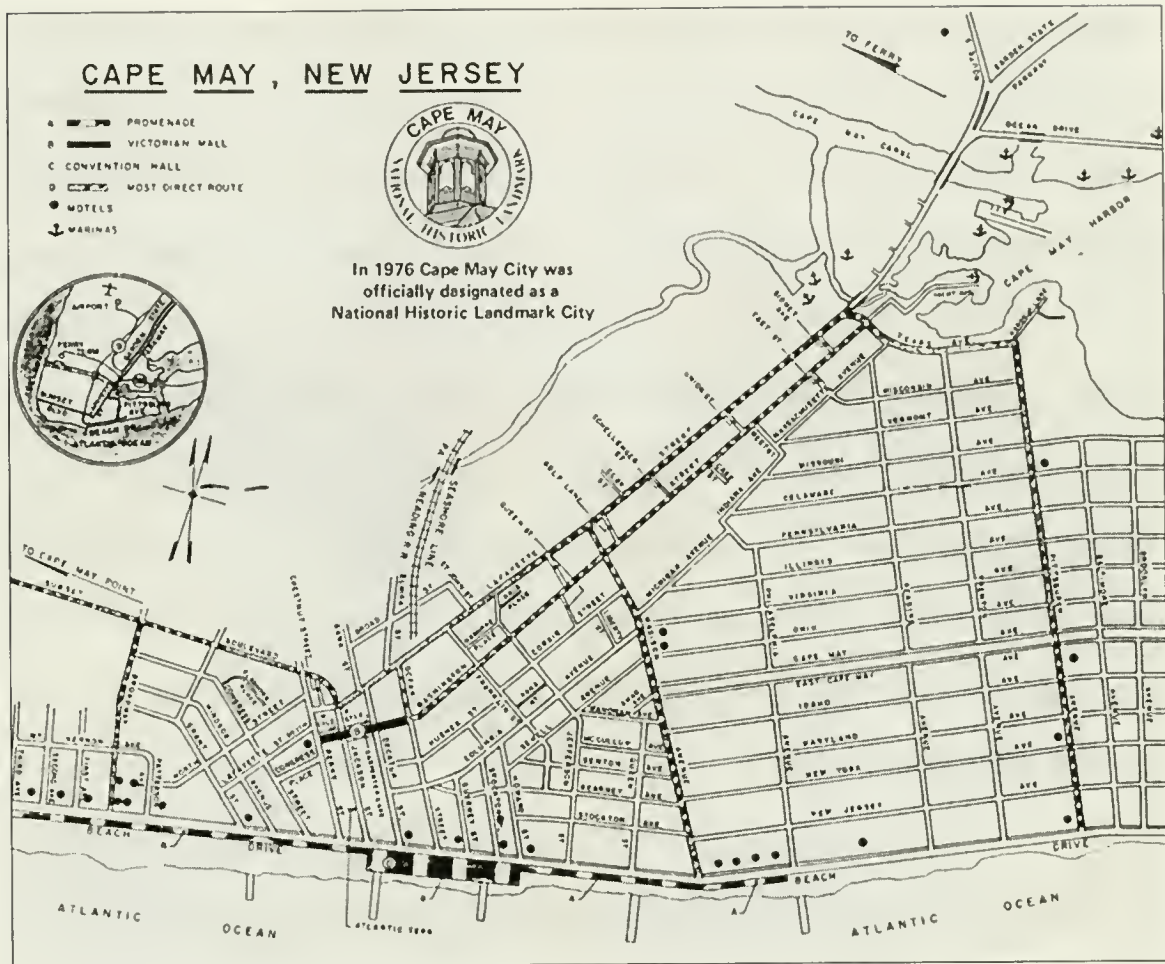




**Figure 19**  
 Map showing the Cape May National Historic Landmark District Boundaries within Cape May County.  
 New Jersey State Office of Historic Preservation. Cape May, New Jersey. National Register of Historic Places Nomination Form  
 for Cape May, New Jersey. (Trenton, New Jersey: National Park Service, 1976.)







**Figure 20**

Street map of Cape May advertising National Historic Landmark status.  
Map published by the City of Cape May for tourist use.

The town was brought under English control in the 1660's and in 1687 the town created an organized government and established headquarters. The whaling and farming industry continued to grow throughout the 18<sup>th</sup> Century, and it was not until the 19<sup>th</sup>



Century that the town flourished into a seaside resort.<sup>41</sup> The first Congress Hall Hotel was built by Thomas Hill in 1816, and Cape May remained a popular vacation destination until the early part of the 20<sup>th</sup> Century. In the 1840's and 1850's, several American presidents stayed in the town, including Abraham Lincoln, Franklin Pierce, James Buchanan and Ulysses S. Grant.<sup>42</sup> The summer season in the 1850's brought in as many as 3,000 visitors a day by boat.

Most of the buildings in Cape May were built of wood and vulnerable to fire. In 1867 two city blocks were leveled by fire. Most of these eclectic styles were conceived and constructed by individual carpenter-builders using pattern books and trade journals. They created variations and representations of Greek Revival, Gothic, Queen Anne, Italianate, and Elizabethan styles, among others. There are also a few buildings within the National Historic Landmark District designed by famous architects such as Frank Furness and McKim, Mead and White.<sup>43</sup>

The spirit of the romantic vacation resort still lingers in Cape May, and the great array of Victorian architecture and small town atmosphere that remains make Cape May National Historic District an important place for all Americans.

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<sup>41</sup> Ibid, page 2.

<sup>42</sup> Cape May, New Jersey. National Register of Historic Places Nomination Form for Cape May, New Jersey. (Trenton, New Jersey: National Park Service, 1976.) Page 1.

<sup>43</sup> Ibid. page 3.





**Figure 21**

Congress Hall from South

George E. Thomas and Carl Doebley. Cape May Queen of the Seaside Resorts, It's History and Architecture. The Art Alliance Press, Philadelphia, PA, 1976 page 120.



**Figure 22**

Congress Hall from the West.

George E. Thomas and Carl Doebley. Cape May Queen of the Seaside Resorts, It's History and Architecture. The Art Alliance Press, Philadelphia, PA, 1976 page 121.





One of the last surviving historic hotels overlooking the beach in the District, Congress Hall, is deteriorated and in need of major reinvestment and restoration. The first Congress Hall Hotel was destroyed by fire in 1878 and was subsequently rebuilt. A second significant oceanfront hotel, The Admiral, was vacated in 1992 and demolished in 1996 to make way for residential development. The loss of this building had a major impact on the integrity of the entire northern flank of the District.<sup>44</sup>

In response to the demolition of the Admiral, the National Park Service is currently reevaluating the District's boundary and assessing the preservation situation in Cape May to determine appropriate action. Recently, the owner of Congress Hall submitted a proposal for the rehabilitation of the building hoping to utilize the Federal Income Tax Credit for Certified Rehabilitation. The proposal includes several sources of funding with \$17 million coming from private sources. The Department of Housing and Urban Development, through the New Jersey Economic Development Administration will contribute \$2.5 million, the Small Cities Program administered by the New Jersey Department of Community Affairs will give about \$600,000 in the form of low-interest loans toward the rehabilitation of the hotel.<sup>45</sup>

In response to the threats to these large hotels in the last decade, the Historic Preservation Commission of Cape May hired a consultant and a solicitor to prepare an application for Certified Local Government status and to create Design Guidelines so that

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<sup>44</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*

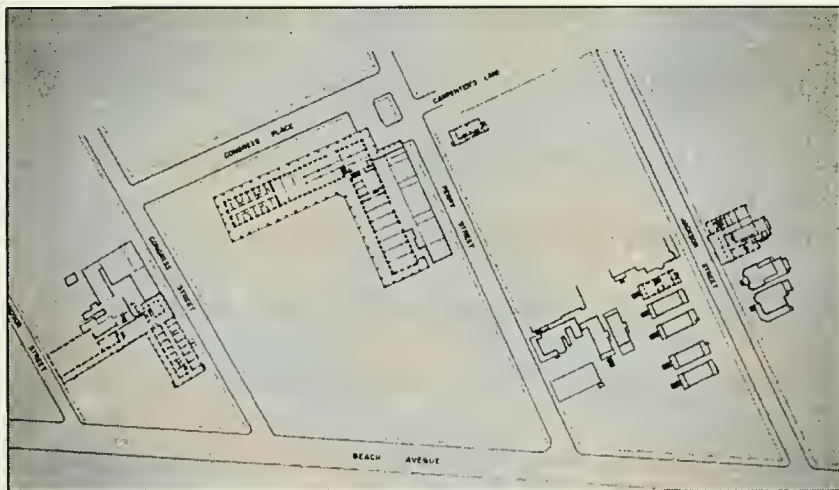
<sup>45</sup> Bill Delgesso, "Regarding Congress Hall, Phone Interview with Bill Delgesso of Triad Associates." Interview by Suzanne Merriam, March 23, 2000.







**Figure 23**  
Windsor and Congress Hotels From Beach Avenue. (Congress Hall in Background)  
George E. Thomas and Carl Doebley. Cape May Queen of the Seaside Resorts, It's History and Architecture. The Art Alliance Press, Philadelphia, PA, 1976 page123.



**Figure 24**  
Site Plan, Congress Hall and Surroundings.  
Drawn by Marianna m. Thomas.  
George E. Thomas and Carl Doebley. Cape May Queen of the Seaside Resorts, It's History and Architecture. The Art Alliance Press, Philadelphia, PA, 1976 page122.





**Figure 25**  
Victorian row along Gurney Street, Cape May.  
Photo by Author, 1999.

all rehabilitation work to existing structures, as well as all new construction, meet the Secretary of the Interior's *Standards for the Treatment of Historic Properties* to maintain the historic character of the buildings and the District.<sup>46</sup>

Cape May is also stuck in the middle of a tourism dilemma. The City has become such a popular summer vacation destination that the City cannot accommodate all of the traffic and parking needs of tourists. The residents of Cape May are divided on the issue of tourism. About 60% of Cape May is made up of retired inhabitants who live in the town all year, and view the tourism coming into Cape May as having a negative impact

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<sup>46</sup> *Secretary of the Interior's Report to Congress on Threatened National Historic Landmarks.*



on their lifestyle because of the traffic and parking problems. The other 40% are made up of business-owners within the community, many live in Cape May only in the summer season and not year-round. This is an active group in the community, during the summer season, who are reliant on tourism and the history of Cape May for their livelihood, yet many are not able to vote as this is not their primary residence.<sup>47</sup>

This debate is currently symbolized by the current Congress Hall Hotel and the developer who owns and hopes to rehabilitate it, Curtis Bashaw. His grandfather originally owned both the Admiral and Congress Hall before Mr. Bashaw took over control of the company. The Cape May Star and Wave reported in an article in 1994 that the Christian Admiral Hotel was in use until 1991 when it was closed because it lacked a full fire protection system.<sup>48</sup> Soon afterwards, the Admiral was demolished, and many residents in Cape May are worried that the developer will gain approval for demolition of Congress Hall also.<sup>49</sup> The current proposal to rehabilitate the hotel using many sources of government funding is promising for the district.

Since the designation of Cape May as a National Historic Landmark District, the city government has stood by unable to legally prevent the demolition of the Admiral, which was once the cornerstone of this National Historic Landmark District. Until recently, private property owners were not legally bound to follow recommendations of the Cape May Historic Preservation Commission. With the new legislation adopted in

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<sup>47</sup> Barbara Skinner, "Regarding Cape May:Telephone interview with Barbara Skinner, resident of Cape May." Interview by Suzanne Merriam. November, 1999.

<sup>48</sup> Mary Keely., "Admiral Offer Won't be Considered 'Serious' Until Money's Down," in the Cape May Star And Wave, Thursday, June 30, 1994

<sup>49</sup>Barbara Skinner, "Regarding Cape May:Telephone interview with Barbara Skinner, resident of Cape May." Interview by Suzanne Merriam. November, 1999.



January 2000, the Preservation Commission is now empowered to review all applications for alteration or demolition of historic properties and make informed recommendations to the Planning Department.<sup>50</sup> The Planning Department still upholds the right to disregard the recommendations of the Preservation Commission, but in order to obtain necessary permits private property owners have to follow the judgement of the Planning Department either way.

The Mid-Atlantic Center for the Arts (MAC), a local non-profit group, has focused tourists on the architectural history of Cape May. They have organized house tours, summer trolley tours and special events emphasizing the importance of Cape May's heritage that has boosted the local economy with tourism dollars. Their weekly handout, "This Week In Cape May,"<sup>51</sup> includes advertising for local businesses and events occurring around the town. This booklet could be a tool for publicizing preservation issues to a larger audience if MAC was able to do so, but since they are a non-profit operation, they might not be able to be politically involved.

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<sup>50</sup> Barbara Skinner, "Regarding Cape May: Telephone interview with Barbara Skinner, resident of Cape May." Interview by Suzanne Merriam. November, 1999.

<sup>51</sup> Mid-Atlantic Center for the Arts. *This Week in Cape May*. (Cape May, New Jersey).





## Discussion

The issues involved in these three districts seem to be very different. The history that each district represents and the level of stewardship involvement in these sites are all very different. Cape May, a seaside resort, has the strongest and most involved management structure at the local level, with a local preservation ordinance, Preservation Commission and an application filed for Certified Local Government status. Abbott Farm, an archaeological district, has had groups attempting to manage and conserve the district such as the Delaware and Raritan Greenway, Incorporated. Locke is an historic Chinatown completely unmanaged at the local level and falling under county jurisdiction, with an historical society consisting of aging member fresh out of new ideas.

In looking at state involvement, both the New Jersey and California Historic Preservation Offices have similar programs and regulations, but the focus of both legislations are very different. New Jersey legislation is focused on preserving the remainder of the unbuilt environment while California's preservation programs focus on preserving and maintaining historic structures. California has taken advantageous steps in going beyond the requirements set forth in the National Historic Preservation Act with a statewide Main Street Program and Statewide Preservation Fund, and New Jersey has a statewide preservation fund and bond program run through the New Jersey State Historic Trust, and several landscape preservation programs such as the Farmland Preservation Program and Green Acres.

Both states also have a state 106 type review process. California's falls under the California Environmental Quality Act.



To refer to the matrix in the Introduction, the major differences between the districts are that Cape May is a locally designated district and has local community grant programs. In looking at the threats to the three districts, even the regulatory underpinning that only Cape May enjoys has not prevented that district from being placed on the list of threatened landmarks. One major difference between Cape May and the two other districts is that the majority of the buildings in the district of Cape May are in healthy condition, while Abbott Farm's archaeological resources are being pilfered and the buildings in Locke are in fragile condition. Cape May also has a grassroots preservation group fighting to save Congress Hall while Abbott Farm and Locke do not.<sup>52</sup>

In summation, all three districts were nominated to the *National Register of Historic Places* in the 1970's,<sup>53</sup> and should by this time be thriving historic sites rather than land on the National Park Service's Threatened National Landmark List.

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<sup>52</sup> Citizens for Historic Preservation, fighting to save Congress Hall. Cape May, New Jersey.

<sup>53</sup> Abbott Farm, New Jersey. National Register of Historic Places Nomination Form for Abbott Farm, New Jersey. (Trenton, New Jersey: National Park Service. August 18, 1976.)  
Cape May, New Jersey. National Register of Historic Places Nomination Form for Cape May, New Jersey. (Trenton, New Jersey: National Park Service, 1976.)  
Locke, California. National Register of Historic Places Nomination Form. (San Francisco, California: National Park Service, 1976.)



In order to explore ways to improve threatened National Historic Landmark Districts, it is vital to study the legislation that governs preservation activities as they relate to Landmark Districts. The National Historic Landmarks program was created with the passage of the Historic Sites Act of 1935.<sup>1</sup> The National Historic Preservation Act of 1966 (NHPA) established a National preservation framework. The National Historic Preservation Act is carried out by the National Park Service throughout the United States, in cooperation with other nations and in partnership with States, local governments, Indian Tribes, private organizations and individuals to carry out the provisions of the Act.

State governments are mandated in the NHPA to have an Office of Historic Preservation to help the National Park Service with preservation programs and activities. Local governments are also able to take part in preservation by gaining Certified Local Government status. Each state and local government has different foci and regulations regarding historic preservation. It is important to study both California and New Jersey's state legislation to see what impacts, positive or negative, the state legislation has on the case study districts.

Local ordinances have the ability of being the most stringent, and reviewing local ordinances regarding historic preservation also sheds light on what works and what doesn't in maintaining and preserving historic structures and districts. A look at how the

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<sup>1</sup> National Park Service, United States Code. Title 36: Parks, Forests & Public Property, Chapter 1: National Park Service, Department of the Interior, Part 65: National Historic Landmarks Program. Section 65.1.





implementation or absence of a Certified Local Government can affect historic districts is helpful. In this chapter, all facets of preservation legislation will be examined, from the national to the local level, in order to gain a further understanding of how law and policy affects historic districts.

### **The National Historic Preservation Act of 1966, as Amended**

The National Park Service was authorized to administer and facilitate the National Register of Historic Places and the National Historic Landmarks Program for the Secretary of the Interior as put forth in the National Historic Preservation Act of 1966. In accordance with the policy of the Federal Government as stated in Section 2 of the National Historic Preservation Act, the National Park Service was designated to carry out the provisions of the Act in cooperation with other nations and in partnership with States, local governments, Indian tribes, private organizations and individuals.<sup>2</sup>

In regard to National Historic Landmarks, there are relatively few provisions made in the Act for either maintenance or support. In Section 101 part 2, regulations for National Register and National Historic Landmarks are stated:<sup>3</sup>

2. The Secretary in consultation with national historical and archeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—
  - (A) nominating properties for inclusion in, and removal from, the National Register and the recommendations of properties by certified local governments;

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<sup>2</sup> *National Historic Preservation Act of 1966*, as amended.

<sup>3</sup> *National Historic Preservation Act of 1966*, as amended, page 9.



- (B) Designating properties as National Historic Landmarks and removing such designation;
- (C) Considering appeals from such recommendations, nomination, removal, and designations (or any failure or refusal by a nominating authority to nominate or designate);
- (D) Nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;
- (E) Making determinations of eligibility of properties for inclusion on the National Register; and
- (F) Notifying the owner of a property, and any appropriate local governments, and the general public when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

There is no mention of any action necessary beyond nomination and designation of a historic resource to the National Register or as a National Historic Landmark. The requirements set forth in Section 101 are followed by the National Park Service as well as state and local governments regarding National Historic Landmarks, and that section essentially does not set National Historic Landmarks apart from National Register properties. The National Historic Preservation Act does not consider the ability to maintain a historic property as one of the criteria for designation, which in some cases lies behind the problems in the effort to preserve properties and districts listed as National Historic Landmarks as well as National Register properties.

In Section 101 (e)(3)(A), the National Historic Preservation Act makes provisions for threatened National Historic Landmarks, that entails demonstration projects, training and displacement prevention. The Secretary also is to create a program of direct grants for the preservation of properties included on the National Register that could help



threatened National Historic Landmark Districts.<sup>4</sup> The Secretary was authorized to appropriate a maximum of 10 per cent of the amount appropriated annually for the Historic Preservation Fund established under section 108.<sup>5</sup>

### **National Park Service**

The National Park Service, in addition to its responsibility for managing approximately 370 units of the National Park System across the United States, administers the set of policies set forth in the National Historic Preservation Act, coordinating preservation activities with State Historic Preservation Offices throughout the United States. The Park Service has also created and carried out pertinent programs to assist historic properties.

The National Park Service administers the grant fund program set up in the National Historic Preservation Act. This fund is the one monetary support mechanism for National Register and National Historic Landmarks properties in maintenance and rehabilitation listed in the National Historic Preservation Act. The money appropriated could be a substantial amount if the National Park Service was annually appropriated the entire \$150 million authorized in the Act to administer the National Historic Preservation Program.<sup>6</sup> But the current budget for the National Historic Preservation Program hovers around \$31 million, which goes to the states and territories in the form of grants in aid.<sup>7</sup>

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<sup>4</sup> *National Historic Preservation Act of 1966*, as amended. Section 101, page 19.

<sup>5</sup> *Ibid.*, page 19.

<sup>6</sup> *National Historic Preservation Act of 1966*, as amended. Section 108, page 26.

<sup>7</sup> National Park Service. *Budget Justification and Annual Performance Plan, Fiscal Year 2001*. (Washington, D.C. U.S. Department of the Interior, 2000) page 356.



In addition to this funding, the Save America's Treasures program, an additional Federal preservation program set up to aid nationally significant projects, was appropriated \$30 million annually for 1999 and 2000. This program has to be approved and appropriated funding each year by Congress and could be cut at any time. To be eligible for a Save America's Treasures grant, a project must be feasible, be a model that can be used to instruct or guide future projects, support some element of education or training, achieve a significant affect in preserving the resource, be endangered or threatened or demonstrate an urgent need, and be proposed by an organization that demonstrates a capability to carry the project to a successful conclusion in a cost-effective manner.<sup>8</sup> This program could significantly help buildings within threatened National Historic Landmark Districts that have an organized stewardship group.

A program recently developed by the National Park Service to help National Historic Landmarks is the National Historic Landmarks Assistance Initiative. This initiative was put in place to promote the preservation of National Historic Landmarks through technical assistance to their stewards, such as owners, managers, or friends' groups. In addition, the Assistance Initiative also aims to educate the general public on the importance of National Historic Landmarks.<sup>9</sup>

Out of the National Historic Landmarks Assistance Initiative was born the National Historic Landmarks Stewards' Congress. The goals of the Congress were to: familiarize Landmark Stewards with the network of agencies and organizations that can

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<sup>8</sup> National Park Service. *Budget Justification and Annual Performance Plan, Fiscal Year 2001*. (Washington, D.C. U.S. Department of the Interior, 2000) page 364.

<sup>9</sup> *National Historic Landmarks Stewards' Sourcebook*.





assist them in the preservation and interpretation of their properties; to identify common needs and explore alternatives for meeting these needs; to provide a forum in which Landmark Stewards can meet and learn from each other; to provide a voice for Landmark Stewards and to develop an agenda for further action.<sup>10</sup> The first meeting of the Stewards' Congress occurred in 1997 and involved National Historic Landmarks in the Northeast Region of the country.

This is a promising initiative that could help threatened landmarks throughout the country. At the second Stewards' Congress held in Cape May, New Jersey in 1999, stewards from across the country attended along with those in the Northeast Region of the country. The Congress was split into affinity groups according to property type: institutional, interpreted historic site, historic district, and private property. The affinity groups had separate meetings to discuss issues directly related to their property type.

Since there is no monetary funding available to individual National Historic Landmarks through this Landmarks Congress, an organization that grows out of it could potentially lobby and fundraise on behalf of National Historic Landmarks, as well as link National Historic Landmarks together to share ideas and knowledge in all aspects of preservation, including identifying the potential of this joint linked action.

National Historic Landmark District Stewards identified several aspects of help they need at the Steward's Congress in Cape May in November of 1999. They included: communication with other National Historic Landmark Districts and city officials,

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<sup>10</sup> Bill Bolger, National Historic Landmark Stewards' Congress Proceedings. Welcome Remarks. West Point, New York: National Park Service, November 7-9, 1997.



assistance in developing a protection plan, help in marketing and tourism promotion, funding, technical assistance, help with master planning and ordinances, education of their local community, a set of standards for the rehabilitation of National Historic Landmarks, and website links through the National Park Service website.<sup>11</sup>

These National Historic Landmark District Stewards have serious concerns for the future of their districts, and the Steward's Congress has created a forum to assist them in finding solutions to their problems. The challenge of the Steward's Congress is to reach out to those National Historic Landmark Districts who do not have a stewardship group involved in the district's preservation. Locke, California, for example, does not have any individuals or preservation groups working actively in its interest. Somehow education of the local community needs to happen so that a group has potential of formation to preserve Locke.

The members of the Hamilton Township Historical Society do not even recognize the archaeological artifacts located under their town as part of the Abbott Farm District. They are only involved with preserving and adding to the actual buildings that made up John Abbott's farm from the 18<sup>th</sup> century. The president of the Historical Society disclosed that he himself has been out pillaging the archaeological area for old glass bottles.<sup>12</sup> There is no active effort by this historical society to involve experts with preserving the archaeology of the area. This group would benefit from the Steward's Congress in the form of technical assistance and training in preservation in order to

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<sup>11</sup> National Historic Landmarks Steward's Congress. Cape May, New Jersey: National Park Service, November 9, 1999.

<sup>12</sup> Tom Glover, "Regarding Abbott Farm, telephone interview with Tom Glover, President of the Hamilton Township Historical Society." Interview by Suzanne Merriam, February 18, 2000.



appreciate the archaeological remains that Hamilton Township is situated on. Currently this group is not aware of the existence of the Steward's Congress. These two sites desperately need organized constituencies and informed managers so that they can administer to their district's preservation needs today and in the future.





## **State Governments**

The National Historic Preservation Act of 1966 declares that a State Historic Preservation Officer's duties should be as follows:<sup>13</sup>

- (A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;
- (B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;
- (C) prepare and implement a comprehensive statewide historic preservation plan;
- (D) administer the State program of Federal assistance for historic preservation within the State;
- (E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;
- (F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;
- (G) provide public information, education and training, and technical assistance in historic preservation;
- (H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c);
- (I) consult with the appropriate Federal agencies in accordance with this act on:
  - (i) Federal undertakings that may affect historical properties;

And

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<sup>13</sup> *National Historic Preservation Act of 1966*, as amended. Section 101(b)(C)(3), pages 12-13.



- (ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties, and
- (J) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

In referring to the National Historic Landmark District Site Comparison List for the three case study districts, the major aspects of state governmental jurisdiction between New Jersey and California are quite similar. Both states have designated the case study districts to their state registers, both have a state version of the section 106 review, and both have state grant programs.

State legislation on historic preservation is important in guiding the preservation activities in local governments and coordinating that with the National Park Service. The State oversees programs administered through the National Park Service, and also monitors historic resources throughout their state.

California and New Jersey's legislation is analyzed in the following pages, as well as the State of Michigan's Preservation Legislation as that state has adopted incentives for preservation lacking in both California and New Jersey.



## California

The California State Office of Historic Preservation is administratively located within the California State Department of Parks and Recreation. The director of the Preservation Program is the Director of Parks and Recreation for the State. As in most states, there is a Preservation Commission in place consisting of nine members with architectural, archaeological or historical backgrounds. The Commission meets four times a year and is assisted in their day to day duties by the Office of Historic Preservation.<sup>14</sup>

The California State Office of Historic Preservation and the Commission has created preservation programs not specifically mandated by the National Historic Preservation Act. These include a California State Register of Historic Resources, California Heritage Fund, California State Main Street Program, and a provision for conservation easements.<sup>15</sup>

The California State Register of Historic Resources provides for the designation of landmarks important to the history of California. The protection provided by the State Register is slightly stronger than the National Register in that the state can override any local government objections to designation of a historic resource. As with the National

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<sup>14</sup> *California State Law and Historic Preservation. Statutes, Regulations and Administrative Policies Regarding Historic Preservation and Protection of Cultural and Historical Resources.* (Sacramento, California: California Office of Historic Preservation Technical Assistance Series, 1999.) Article 5020.2-.4, pages 12-13.

<sup>15</sup> *Ibid*, Articles 5079, 15399,24357.



Register, a private property owner can object and effectively prevent the designation to the state register of a nominated historic resource on their property.<sup>16</sup>

The California Heritage Fund was implemented for many aspects of historic preservation that include management, acquisition, preservation, rehabilitation, restoration and adaptive reuse of historic resources. The legislation regarding this fund includes many important points such as: preservation as an economic stimulator, the use of stewardship of historic resources to achieve education goals and deepen cultural and historical awareness and advance public understanding of the existing built environment. The state has a policy to encourage stewardship and preservation of historic resources.<sup>17</sup> Unfortunately, funding for this program, though authorized has not yet been appropriated by the State Legislature.<sup>18</sup> Although the program is not funded, the fact that it exists as law and has the ability of being funded in the future is promising for preservation efforts in California.

The California Main Street Program was launched in 1985 in cooperation with the National Trust for Historic Preservation and was modeled after their National Main Street Program. The state legislature authorized special funding for this program, and it is a joint state, local and private sector partnership. The program encourages the imaginative use of business and government resources to support local downtown revitalization plans.

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<sup>16</sup> *Forging a Future With a Past: Comprehensive Statewide Historic Preservation Plan for California*. (Sacramento, California: Office of Historic Preservation, Department of Parks and Recreation Resources Agency, December, 1997) pages 91-92.

<sup>17</sup> Ibid, page 93.

<sup>18</sup> Eugene Otogawa, "Regarding Locke, California. Telephone Interview with Eugene Otogawa, California State Office of Historic Preservation." Sacramento, California. Interview by Suzanne Merriam, February 29, 2000.





and provides consulting and training services to cities and states undertaking the Main Street Program.<sup>19</sup>

The conservation easement provision in the legislation encourages voluntary conveyance of conservation easements to qualified non-profit organizations or to any authorized state, city, county, district or other local government.

All of these programs are illustrated in the Handbook published by the California Office of Historic Preservation, *"Forging a Future With a Past: Comprehensive Statewide Preservation Plan for California."*<sup>20</sup> This handbook provides lists of preservation resources, statistics on preservation efforts in the State of California and information regarding each of the programs available through both the State Office of Historic Preservation and the National Park Service. It does not, however, mention National Historic Landmarks as a separate category anywhere in the text.

Of these three programs, the California Heritage Fund would have the greatest impact on the Locke National Historic Landmark District, but since this program has never been funded it cannot assist any historic resources with their preservation efforts. What is important is that this program is in the preservation legislation for California and has the potential of someday receiving funding.

The Main Street Program might also help Locke, but currently the district has little viable commercial business and is located in such a remote area that boosting the revenue would be a challenge.

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<sup>19</sup> *About California Main Street Bulletin*. (Sacramento, California: California Trade and Commerce Agency Bulletin.)

<sup>20</sup> *Forging a Future With a Past: Comprehensive Statewide Historic Preservation Plan for California*.



## New Jersey

The New Jersey Register of Historic Places was developed in 1970 as part of the creation of the New Jersey Department of Environmental Protection and the passage of the New Jersey Register of Historic Places Act of 1970<sup>21</sup>. The Register was set up to mimic the National Register of Historic Places and is administered by the State Department of Environmental Protection, a division of Parks and Forestry, and is overseen by the Commissioner of the Department of Environmental Protection. The Commissioner, also known as the State Historic Preservation Officer, is assisted by a staff in the State Historic Preservation Office and a State Review Board made up of professionals in fields related to historic preservation. The members of the review boards are appointed by the Commissioner who is in turn appointed by the Governor of New Jersey.

Since its formation in 1987, all State historic preservation grant programs are administered through the New Jersey State Historic Trust, located in the New Jersey Department of State. The funding in the past has come from bond acts approved by New Jersey voters, but now the funding comes from a percentage of state taxes.<sup>22</sup>

New Jersey has several programs that go beyond the requirements set forth in the

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<sup>21</sup> *New Jersey Historic Preservation Plan*, Law of 1970, Chapter 268; NJSA, 12.113-15128. (Trenton, New Jersey: Department of Environmental Protection, Division of Parks and Forestry.)

<sup>22</sup> Margaret Newman, "Regarding New Jersey State Historic Trust, telephone interview with Margaret Newman, grant officer, New Jersey State Historic Trust," Interview by Suzanne Merriam, March 23, 2000.



National Historic Preservation Act including a New Jersey State Register of Historic Places, a grant fund, a Farmland Preservation Program, the Green Acres Program, and the Coastal Management Program. The Green Acres Program and the Coastal Management Program are State legislated programs administered by the Department of Environmental Protection.<sup>23</sup>

The New Jersey State Register has a State version of the Federal 106 Review that provides protection from state, county or municipal undertakings to New Jersey Register properties.<sup>24</sup> Only properties listed on the state register are afforded this protection. Also, private owner objection to designation does not prevent designation of a historic property to the state register.<sup>25</sup> A nomination of a property or district is first reviewed by the state and after designation is sent to the keeper of the National Register for consideration as a National Register listing as well.

The Historic Preservation Grant Fund, administered through the New Jersey State Historic Trust, has recently been authorized \$60 million over ten years for the “preservation of the state’s most important historic properties.”<sup>26</sup> The fund provides money for a matching grant program and a revolving loan program for the support of “bricks and mortar” type preservation projects in the state. To be eligible for funding, the property must be on the state register of historic places, and be a tax-exempt non-profit organization or a unit of state, county and local government.<sup>27</sup>

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<sup>23</sup> *New Jersey Historic Preservation Plan*, Law of 1970, Chapter 268; NJSA, 12.113-15128, pages 33-34.

<sup>24</sup> *Ibid*, page 33.

<sup>25</sup> *New Jersey Historic Preservation Plan*, Law of 1970, Chapter 268; NJSA, 12.113-15128. Page 33.

<sup>26</sup> Margaret Newman, “Regarding New Jersey State Historic Trust, telephone interview with Margaret Newman, grant officer, New Jersey State Historic Trust,” Interview by Suzanne Merriam, March 23, 2000.

<sup>27</sup> *Ibid*, page 34.





The Farmland Preservation Program was created in 1983 in the New Jersey Agriculture Retention and Development Act and is administered by the New Jersey Department of Agriculture. The program authorized the purchase of development easements and the funding of soil and water conservation projects on agricultural land.

Green Acres was created in 1961 to identify and set aside open space in a state threatened in numerous locations by urban sprawl. The funding goes for acquisition and matching grants and revolving low-interest loans for county and municipal open space. This program also considers the historic value of properties in the application for funding, and many open space acquisitions are for historically significant properties.<sup>28</sup>

The Coastal Management Program is under the jurisdiction of the Bureau of Coastal Regulations in the Department of Environmental Protection. It is meant for the protection, preservation and management of New Jersey's Coastal Zone. The program considers both the historic built environment and the natural environment and has a review process for proposed development along the New Jersey Coast.<sup>29</sup>

The Green Acres Program has the potential of helping conserve the open space that is left in the Abbott Farm District. There is still a significant amount of lowland wilderness area left within the district boundaries, and since one proposed solution for the district is to have sympathetic people buy up and set aside parcels of the district for preservation, this program would help these prospective owners in purchasing the land.

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<sup>28</sup> Ibid, page 34.

<sup>29</sup> *New Jersey Historic Preservation Plan*, Law of 1970, Chapter 268; NJSA, 12.113-15128. Page 34.



The Coastal Management Program could have a direct effect on the preservation of buildings in Cape May as this program takes into consideration the built environment along the New Jersey Coast. It is mainly a regulatory and long-range planning program within the Department of Environmental Protection and would be useful in any long-range planning that the City of Cape May would carry out in the future. Compliance with this Program's regulations is required in order to ensure the preservation and conservation of the New Jersey Coast.<sup>30</sup>

The grant program awarded money to three projects on the Cape May Lighthouse in 1991, 1992 and 1995, but hasn't been involved with any other projects in Cape May. Abbott Farm has not received any grant funding from the New Jersey Trust, probably because its primarily private ownership precludes it from applying for funds in this program.<sup>31</sup>

Sites in the Abbott Farm district could receive grant funding as much of it is already owned by the State or Hamilton Township, but figuring out what aspect to put money towards is the challenge with this archaeological site. The Delaware and Raritan Greenway, Inc. holds no ownership of any land within Abbott Farm, but were involved with the education of the public about the environmental and archaeological aspects of the district. The John Abbott Farmstead is located within a Hamilton Township Community Park and is owned by the Township and is operated by the Hamilton Township Historical Society.

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<sup>30</sup> *New Jersey Historic Preservation Plan*, Law of 1970, Chapter 268; NJSA, 12.113-15128. Page 34.

<sup>31</sup> Margaret Newman, "Regarding New Jersey State Historic Trust, telephone interview with Margaret Newman, grant officer, New Jersey State Historic Trust," Interview by Suzanne Merriam, March 23, 2000.



## Michigan

It is helpful to compare both California and New Jersey's State preservation legislation to that of another state to get a better idea of what programs are common among states and what programs are unique and of particular notice. Michigan's State legislation is a good one to look at because it includes a tax credit program for the rehabilitation of historic properties.<sup>32</sup>

The Michigan State Historic Preservation office is located within the Michigan Historical Center in the Department of State, and works closely with the State Archaeologist. This is different than both New Jersey and California whose offices are run within the State Park System. Michigan does not have a separate historic preservation fund, and the fund run with money from the National Park Service has been severely cut back and is only available to Certified Local Governments.<sup>33</sup>

The State's Rehabilitation Tax Credit is currently the only financial incentive that the state has available. This tax credit is applicable for substantial rehabilitation to both owner occupied non-income producing properties as well as commercial properties. This differs from the Federal Historic Preservation Tax Credit that is only available to income producing property. If New Jersey or California had such a tax credit or if the Federal Tax Credit was amended so that non-income producing properties were also eligible, it would help homeowners in both Locke and Cape May. The Michigan tax credit was originally for 25% of the qualified rehabilitation but was reduced to 20% in 1986. This

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<sup>32</sup> *Preservation Shore to Shore, Michigan's Comprehensive Historic Preservation Plan.* (Lansing, Michigan: Michigan Historical Center, Michigan Department of State. Candice S. Miller, Secretary. 1996.) Page 11.

<sup>33</sup> *Ibid*, Page 10.



tax credit can be combined with the Federal Historic Rehabilitation Tax Credit. In order for the rehabilitation to be approved it has to be reviewed by the State Historic Preservation Office and comply with the Secretary of the Interior's Standards for Rehabilitation.<sup>34</sup>

Michigan's handbook, "*Landmarks to Landscapes*,"<sup>35</sup> is an overview of Historic Preservation activities in Michigan and a summary of its programs. It includes statistics on preservation and information on preservation organizations, and is a helpful guide for anyone looking for resources on historic preservation. It is much like the California handbook, "*Forging a Future With a Past: Comprehensive Statewide Historic Preservation Plan for California*,"<sup>36</sup> but is smaller, more focused and more user-friendly. "Landmarks to Landscapes" also provides information about National Historic Landmarks including the need to give consideration to the preservation of National Historic Landmarks as their destruction represents a serious loss to the nation.<sup>37</sup> This section also includes a list of all of Michigan's National Historic Landmarks, their year of designation and a brief description of their significance.

The inclusion of information regarding National Historic Landmarks gives an extra measure of publicity to this special group of historic resources at the state level that does not seem typical in other states. New Jersey has a separate handbook listing their

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<sup>34</sup> Ibid., Page 11.

<sup>35</sup> *Landmarks to Landscapes, A Report from the Michigan State Historic Preservation Office* (Lansing, Michigan: State Office of Historic Preservation, Michigan Historical Center, Michigan Department of State. Candice S. Miller, Secretary, 1994.)

<sup>36</sup> *Forging a Future With a Past: Comprehensive Statewide Historic Preservation Plan for California*.

<sup>37</sup> *Landmarks to Landscapes, A Report from the Michigan State Historic Preservation Office*. Pages 9-12.





National Historic Landmarks.<sup>38</sup> This has not prevented National Historic Landmarks within the State of Michigan from landing on the list of Threatened National Historic Landmarks, as 6 of the 43 in the 1998 report are currently threatened, but it does serve to educate Michigan residents of what Landmarks are threatened.<sup>39</sup> The deliberate distinguishing of National Historic Landmarks as a separate group of resources at the state level does serve to educate the public about National Historic Landmarks. Currently neither New Jersey or California's legislation mentions National Historic Landmarks at all, and this is typical of most states.

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<sup>38</sup> *New Jersey's National Historic Landmarks*. (Trenton, New Jersey: Department of Environmental Protection, Division of Parks and Forestry.)

<sup>39</sup> *America's Historic Landmarks At Risk*. Page 6



## **Local Governments**

The best ally of a historic resource can be local government. These are the people that are usually most intimately involved with the resource, the people who usually have the most thorough knowledge of its history and who would potentially value it the most. The National Historic Preservation Act established a Certified Local Government Program so that local governments could create preservation programs in partnership with their state and the federal government. The biggest incentive for local governments to become certified is that they receive a portion of the grants given to their State Historic Preservation Office by the federal government. Other incentives include recognition of preservation expertise by State and Federal agencies; technical assistance and training from State Historic Preservation Officers; participation in nominations to the National Register of Historic Places; membership in a national historic preservation network that provides publications and professional assistance; an exchange of information with the State Historic Preservation Office; and participation in statewide preservation programs and planning.

The National Historic Preservation Act set forth a list of duties for a Certified Local Government:

- (A) enforces appropriate State or local legislation for the designation and protection of historic properties;
- (B) has established an adequate and qualified historic preservation review commission by State or local legislation;
- (C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);



- (D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and
- (E) satisfactorily performs the responsibilities delegated to it under this Act.<sup>40</sup>

A well-organized CLG is often better able to support and assist in the maintenance and preservation of historic resources better than its State Historic Preservation Office or the National Park Service, simply because of the close proximity the CLG has to the historic resource. They are able to enforce regulations to limit or prevent demolition and new development that might threaten these historic resources. And, they are often able to do this without requiring overwhelming assistance from the National Park Service or their State Historic Preservation Office. Oftentimes local governments have stronger preservation legislation than their state or the National Historic Preservation Act. San Francisco, California, for instance, is able to designate a San Francisco Landmark without owner approval, although this does not happen often.<sup>41</sup> As in a typical CLG, when alterations are proposed for a structure listed on either the National, State or Local registers, the developer or owner has to apply for a permit through the Planning Department. The plans are reviewed and forwarded to the Landmarks Preservation Advisory board for further review and public comment. The Landmarks Preservation Advisory Board then makes a recommendation and sends the case back to the Planning Department for final approval or disapproval. This process is

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<sup>40</sup> *National Historic Preservation Act of 1966, as Amended*. Section C 1, page 15.

<sup>41</sup> City and County of San Francisco Article 10 of the Zoning Code. ( San Francisco, California: Department of City Planning.)



quite successful in San Francisco as the recommendations made by the Preservation Board are usually considered final by the Planning Department.

Currently Cape May is applying for Certified Local Government status, while Locke could not as it is not included under any city government jurisdiction. Abbott Farm is in Hamilton Township which has no local preservation ordinance. Hypothetically, Hamilton Township could create a preservation ordinance and all other requirements to become a Certified Local Government, but currently no steps have been taken to do so. CLG status for Cape May could give the Historic Commission more influence in decisions of the local Planning Department.

In order to get an idea of what types of preservation legislation local governments have, three city ordinances were studied. They are for the cities of Cape May, New Jersey; Portland, Maine; and San Francisco, California. Overall, the three ordinances were similar, with a few exceptions. Cape May's ordinance is by far the most sparse, and does not include penalties for violating the Certificate Of Appropriateness as both San Francisco and Portland do.<sup>42</sup>

To briefly outline what regulatory control typical local preservation ordinances provide, their purposes are typically identified within the legislation as being for the prevention and protection of historic resources, and the promotion of educational, cultural, economic and the general welfare of a city. They have a Preservation

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<sup>42</sup> Cape May City, Amendment and Supplement to Chapter 32, Zoning, Ordinance #97-99. (Cape May City, New Jersey: January 24, 2000.)  
City and County of San Francisco Article 10 of the Zoning Code, Section 1013, Penalties. San Francisco, California: Department of City Planning.)  
City of Portland, Article IX, Historic Preservation. Division 11, Penalties, Etc. (Portland, Maine.)





Commission consisting of members of the community and representatives of the City Government, with backgrounds or an interest in historic preservation. The members meet on a regular basis to review applications for alteration or demolition of historic resources within the city.<sup>43</sup> When these alterations do not require approval by the planning or building department, the decision of the Preservation Commission is final. If a permit is required by the Planning or Building Department, the decisions rendered by the Preservation Commission are only advisory. In this case, the Preservation Commission recommends a course of action to the Planning or Building Commission which in turn make a final decision.<sup>44</sup> This means that another agency has the final approval or disapproval in matters of alteration and demolition of historic structures.

Another important component present in many local preservation ordinances is a system of penalties for people who do not follow the rules of the ordinance. Cape May does not have a recourse for violations of their Preservation Ordinance while San Francisco and Portland do.<sup>45</sup> These penalties can be fines, like San Francisco, or an automatic denial of future permits, like Portland. San Francisco charges a fine of up to \$500 and/or a prison term not to exceed 6 month. Portland has fines, and in cases of

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<sup>43</sup> Ibid

<sup>44</sup> Cape May City, Amendment and Supplement to Chapter 32, Zoning, Ordinance #97-99. (Cape May City, New Jersey: January 24, 2000.) Section 32-33.6 (B).  
City and County of San Francisco Article 10 of the Zoning Code, Section 1013, Penalties. (San Francisco, California, Department of City Planning.) Section 1004.2.  
City of Portland, Article IX, Historic Preservation. Division 11, Penalties, Etc. (Portland, Maine.) Section 14-641.

<sup>45</sup> Cape May City, Amendment and Supplement to Chapter 32, Zoning, Ordinance #97-99. (Cape May City, New Jersey: January 24, 2000.)  
City and County of San Francisco Article 10 of the Zoning Code, Section 1013, Penalties. (San Francisco, California: Department of City Planning.)  
City of Portland, Article IX, Historic Preservation. Division 11, Penalties, Etc. (Portland, Maine.)



willful violation or gross negligence of the Ordinance, can deny future permits for the property. The person in violation of any part of the Code cannot get another permit, other than one to correct the violation, for five years following the last date of violation. In addition, the owner can be required to rebuild, restore, reconstruct or replicate the damaged, demolished or altered part of the property. Both Codes also stipulate that each day such a violation is committed or permitted to continue counts as a separate offense and will be punished accordingly. This means that the fine of up to \$500 is applicable each day an owner is in violation of the Code.

If Cape May had this provision in its Preservation Ordinance, they would be able to fine the owner of Congress Hall and effectively stop him from gaining any future building permits. Cape May's Ordinance, as it stands now, still lacks the teeth that other ordinances have, because they cannot fine owners that violate the legislation, which would force owners to maintain their building or withhold future permits for the building.

Local governments are able to implement preservation plans into their municipal codes to ensure a review process of all proposed projects to rehabilitate, alter or demolish historic resources whether there is local, state or federal funding involved or not. It depends on the attitude and will of the local government as to how stringent they want their preservation ordinances to be, and it is exemplified here that each local government does differ in many ways, although the gist of each ordinance is the same. In addition to regulatory control, CLG's can offer local preservation assistance and funding programs for historic resources.



In summarizing the hierarchy of preservation legislation, the most incentives for preservation come from the federal government while the most regulatory control comes from the local government. Local governments almost always rely on regulations rather than incentives in preservation issues, while the federal government relies on incentives for preservation such as the federal tax credit and grant funding for preservation. States vary on their regulations and incentives.



## **CHAPTER 3 RESOURCES FOR NATIONAL HISTORIC LANDMARK**

### **DISTRICTS**

#### **Preservation Planning Support**

Preservation planning is an imperative part of the management of a historic property or district. Planning guidelines are a declaration of a local government's policy and intent regarding historic resources, and in many cases carry the power of law. Including historic resources in local planning ordinances insures that they will thereby be considered in any economic, environmental, and social strategies for strengthening the community and future plans for the local government.<sup>1</sup> A comprehensive preservation plan incorporated into a planning code can bring preservation concerns to the forefront of local public policy so that they cannot be ignored in the future. Preservation plans usually include a description of the intent of the local government along with specific codes regarding the treatment of historic structures, including rules about alteration and demolition. Some preservation plans have design guidelines illustrating which alterations are acceptable and unacceptable.

National Historic Landmark Stewards who participated in the Stewards' Congress in West Point in 1997 acknowledged the need for generating new vision and resources. Staff time, planning funds and resources required for collaboration were identified as needs of National Historic Landmark Stewards.<sup>2</sup> At the Stewards' Congress of 1999,

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<sup>1</sup> Marya Morris, *Innovative Tools for Historic Preservation*. (Washington, D.C.: National Trust for Historic Preservation.) Page 31.

<sup>2</sup> National Historic Landmarks Steward's Congress, Proceedings. (West Point, New York: National Park Service, November 7-9, 1997.) Introduction page 7.





Stewards of National Historic Landmark Districts again addressed the need for planning and protection, and perhaps the circulation of a model master preservation plan and ordinances.<sup>3</sup>

In addition to the creation of a State Historic Preservation Office and the implementation of a statewide preservation plan as was mandated in the National Historic Preservation Act, many states have done more than is required by the National Historic Preservation Act. Florida, for example, has passed a law requiring all local governments to create comprehensive preservation plans, and Oregon's state legislation requires an examination of conflicts that may result in the alteration or demolition of historic resources including both current and future threats.<sup>4</sup> This includes a review of applicable plans and policies, existing zoning, planned public and private improvements, the condition of the historic resource, and other local factors that could adversely affect the historic resource.<sup>5</sup>

In many cases funding from state and private sources that might be available to historic districts can be denied because of the lack of a preservation plan, poor organization or a lack of clear administrative control. Prospective donations and grants usually will not be given when a site is unable to clearly outline what the money will be used for and how that money will help the site to sustain itself in the future. A site or district that has a good track record in preservation projects also is looked upon favorably by potential sources of funding.

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<sup>3</sup> National Historic Landmarks Steward's Congress. (Cape May, New Jersey: National Park Service, November 9, 1999.)

<sup>4</sup> Ibid, Page 33-34.

<sup>5</sup> Ibid, Page 33-34.



At the local level, some sites are able to procure funding through the Certified Local Government program administered by the National Park Service and defined further in the introduction and chapter 2. Funding comes in the form of small grants, and technical assistance is also available.<sup>6</sup> The funding can be used for many facets of preservation including planning, local Main Street programs, reuse feasibility studies, community awareness programs and public education.<sup>7</sup> If a district is not located within a Certified Local Government, this funding will not be available.

At the federal level, the National Park Service has initiated the Heritage Preservation Services located in Washington, D.C. The goals of the technical assistance division of the National Park Service are:<sup>8</sup>

1. strengthen the integration of historic preservation into broader public policy land-use planning and decision making arena at the Federal, state, and local levels;
2. increase opportunities for public participation in planning and preservation activities;
3. provide guidance and technical assistance on historic preservation planning;
4. provide the maximum flexibility in program administration to enable states, tribes, local governments and federal agencies to establish a planning program responsive to their own needs and concerns.

Programs run through Heritage Preservation Services that aid National Historic Landmarks in planning and maintenance include the Historic Preservation Planning Program, mapping and GIS support, Technical Preservation Services, and the National Historic Landmarks Assistance Initiative.<sup>9</sup>

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<sup>6</sup> National Park Service. *National Register Bulletin 26: Certified Local Governments in the National Historic Preservation Program*. (Washington, D.C.: U.S. Department of the Interior.)

<sup>7</sup> Ibid

<sup>8</sup> *National Historic Landmarks Steward's Sourcebook*. Page 9.

<sup>9</sup> *National Historic Landmarks Steward's Sourcebook*. Pages 9-12.



The Historic Preservation Planning Program provides guidance and technical assistance to states, tribes, local governments and federal agencies in planning for their historic resources. This planning program helps historic resources become part of public policy thereby strengthening their communities.<sup>10</sup>

The National Historic Landmarks Assistance Initiative helps National Historic Landmarks by providing technical assistance, condition assessment reports, workshops and special conferences. This program can be helpful in both planning and maintenance of National Historic Landmark Districts by educating stewards in how to develop and carry out successful preservation plans.<sup>11</sup>

Mapping and GIS (global information systems) for cultural resources aids in creating computer images and spatial data for historic maps, census records, and historic site inventories.<sup>12</sup>

Technical Preservation Services provide a variety of educational materials on preserving, rehabilitating and restoring historic buildings based on national standards. These include the Preservation Briefs and Preservation Tech Note series, in-depth source books, case studies, videos, and web pages. In addition, Technical Preservation Services gives workshops, conferences and training in partnership with universities, public agencies and professional organizations. Heritage Preservation Services details every one of their programs including people to contact on their website.<sup>13</sup>

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<sup>10</sup> National Park Service, Heritage Preservation Services Online: <http://www2.cr.nps.gov>.

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Ibid



In addition to the support provided by the National Park Service, the National Trust for Historic Preservation also has a few fee-for-service programs to aid in preservation planning including the Main Street Program and Heritage Property Services.<sup>14</sup> According to the pamphlet published by the National Trust for Historic Preservation, *Main Street Program and Heritage Property Services*, the Main Street Program is an attempt at helping to “revitalize historic downtowns and inner cities through a four point approach of economic restructuring, organization, promotion, and design.”<sup>15</sup> The Trust helps main street organizations in identifying and developing goals and planning for the future.<sup>16</sup>

Heritage Property Services is set up to assist developers of historic properties. It is a consulting service that helps developers and local governments purchase buildings. This includes feasibility analysis, debt financing, and assistance throughout the construction and renovation process. Heritage Property Services also offers loans and advice on using the historic tax credit in preservation projects.<sup>17</sup>

For any site or district trying to organize itself and complete a comprehensive preservation plan, the planning phase is perhaps the most trying. A site cannot get money without spending money of its own, and without the initial funding and administrative control needed to create a comprehensive plan it is difficult to bring such a plan to fruition.

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<sup>14</sup> *Main Street Program and Heritage Property Services*. (Washington, D.C.: National Trust for Historic Preservation Pamphlet.)

<sup>15</sup> *Miracle on Main Street: Help for Historic Commercial Areas*. (Washington D.C.: National Trust for Historic Preservation Pamphlet.)

<sup>16</sup> Ibid

<sup>17</sup> *Heritage Property Services*. (Washington, D.C.: National Trust for Historic Preservation Pamphlet.)





## **Maintenance Support**

Maintenance of National Historic Landmark Districts is related to the need for preservation planning, and is a challenge since the goals and guidelines for maintaining historic resources are usually illustrated in such preservation plans. Once a district has created a comprehensive plan it can better understand what is necessary to effectively maintain the district for the future.

Many districts do not have any clear constituency acting as stewards to create preservation plans and maintain the district thus preserving it from deterioration. Stewardship of historic resources makes all the difference in historic preservation as shown in the Silverton Colorado National Historic Landmark District detailed in Chapter 2. Districts without any preservation interest groups have to first generate a constituency of people to act as stewards in order to create a local preservation organization and begin to try to preserve the district. Without such a constituency voicing the needs of the district to their State Historic Preservation Office or the National Park Service, these agencies will remain unaware of the problem.

Maintenance programs should fall largely on local government's shoulders as the National Park Service is not meant to survey, support, and maintain all of the National Historic Landmarks in this country. The National Park Service is able to provide technical assistance through their Heritage Preservation Services Program and the Stewards' Initiative, and incentives for maintenance such as the Historic Rehabilitation Tax Credit. Similarly, State Historic Preservation Offices are typically overwhelmed and



usually geographically removed from the National Historic Landmarks spread throughout the state, but can provide assistance and in many cases, funding. Local governments that are part of the Certified Local Government Program are able to be directly involved in preserving their local Landmarks and receive technical and organizational support from the State and Federal Government.<sup>18</sup>

Site maintenance is an integral element of preservation and is a difficult challenge for both the National Park Service, State governments, and local communities throughout the country. The newly formed Steward's Initiative and the National Historic Landmark Stewards Association supported by the National Park Service is aimed at helping all stewards of National Historic Landmarks to create an organization in which they can help themselves. One major challenge for the Initiative at this point is reaching sites and districts that do not have individuals or groups acting as stewards for the Landmarks.

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<sup>18</sup> *National Register Bulletin 26: Certified Local Governments in the National Historic Preservation Program.* (Washington, D.C.: U.S. Department of the Interior, National Park Service.)



## **Funding Sources and Incentives for Rehabilitation**

If one considers that historic districts are located in communities containing many businesses and private property owners who serve as potential donors, there would seem to be many sources of non-governmental funding available to historic districts. Strong grant-writing and fund raising capabilities are important in order to give information to possible donors in a clear and concise way. Locke has essentially relied on state and federal funding for the stabilization of the buildings within the District. If the Sacramento River Delta Historical Society along with the residents and homeowners in Locke canvassed their county for support and funding, they might be able to raise funds for stabilization themselves.

Silverton Historic Landmark District was able to raise funds from other sources outside the National Park Service preservation programs that included selling property, money from the State of Colorado, the Intermodal Surface Transportation Efficiency Act (ISTEA), and a regional non-profit group called the "Friends of the San Juan Skyway."<sup>19</sup>

New Jersey's Bond Act Program is one of the biggest state programs in the country, with a budget of \$60 million over the next ten years allocated to preservation. This program is administered by the New Jersey State Historic Trust and gives matching grants and revolving loans for "bricks and mortar" type preservation.<sup>20</sup>

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<sup>19</sup> Christine Whitacre, "Small Town, Grand Plans: The Silverton, Colorado, NHL." *CRM, National Historic Landmarks Assistance Initiative*. (Washington, D.C.: U.S. Department of the Interior. Volume 20, Number 9, 1997.) Page 31.

<sup>20</sup> Margaret Newman, "Regarding New Jersey State Historic Trust, telephone interview with Margaret Newman, grant officer, New Jersey State Historic Trust," Interview by Suzanne Merriam, March 23, 2000.



There are many government programs and initiatives for the funding of historic resources in effect today, although many are very specific to certain types of heritage, such as the American Battlefield Protection Program, which is only available to battlefields and related sites from the Civil War, and the Historically Black Colleges and Universities Preservation Initiative, that helps preserve only threatened campus structures.<sup>21</sup> The Northeast Region of the National Park Service has published a list of these programs in their “Stewards’ Sourcebook” made available to the stewards of National Historic Landmark sites and districts in 1997.<sup>22</sup>

The National Trust for Historic Preservation has some grant and loan programs for various preservation efforts. One is the Inner City Ventures Fund that gives low interest loans for up to \$150,000 for site-specific projects. Rehabilitation must be done in accordance with the Secretary of the Interior’s Standards for Rehabilitation.<sup>23</sup>

The most widely used Federal incentive for preservation of historic structures nationwide is the Historic Rehabilitation Tax Credit Program begun in 1976.<sup>24</sup> Since 1976, the tax credit has been used for over 26,000 preservation projects. This tax credit is for up to 20% of the total cost of rehabilitation to an historic property. The property must be income producing, meaning either it is a business or a rental property and must remain unaltered and in the owner’s hands for at least five years after the rehabilitation has been completed. In 1986, Congress amended the Federal Tax Code so that the rules

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<sup>21</sup> *National Historic Landmarks Steward’s Sourcebook*. Page 10-15.

<sup>22</sup> *National Historic Landmarks Steward’s Sourcebook*.

<sup>23</sup> *The Inner City Ventures Fund*. (Washington, D.C.: National Trust for Historic Preservation, Community Partners Program Pamphlet.)

<sup>24</sup> *Federal Tax Incentives for Rehabilitating Historic Buildings, Statistical Reports and Analysis for Fiscal Year 1997*. (Washington, D.C. U.S. Department of the Interior, National Park Service.) Forward.





for capturing the tax credit became more stringent. This initially resulted in declined tax credit activity, but there has been a steady recovery of activity in the last 10 years.<sup>25</sup> This incentive is not helpful for mainly owner-occupied non-income producing residential historic districts such as Locke, or Abbott Farm that is mainly archaeological. The Cape May business community, including bed and breakfast inns, are able to take advantage of the federal tax credit. Congress Hall is planning to take advantage of the tax credit along with other funding from the federal and state government.<sup>26</sup>

There is a proposed new tax credit for homeowners, and the bill is currently under consideration in Congress. This credit, which would be similar to Michigan's State Tax Credit, would be different than the current tax credit described above, in that it would be applicable to non income-producing property that is owner-occupied.<sup>27</sup> This would help the residents of Locke in preserving the residential buildings. Abbott Farm, as an archaeological district, would again not be impacted by this new incentive.

Combining the tax credit with low-interest loans given for historic preservation is one way that developers have made preservation projects more feasible. These loans are often run through Community Development Block Grant programs in local jurisdictions. They generate private investment in a city's historic resources and also preserve those historic resources by granting small loans for rehabilitation. These loans coupled with the historic tax credit help in lowering the overall costs of preservation.

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<sup>25</sup> *Innovative Tools for Historic Preservation.*

<sup>26</sup> Insert information from Preservation Proposal for Congress Hall.

<sup>27</sup> *Preservation Shore to Shore, Michigan's Comprehensive Historic Preservation Plan.*



In Eugene, Oregon, the Community Development Block Grant money is used to finance a revolving loan fund for historic preservation. Loans given to property owners for restoration, rehabilitation, repair or maintenance range from \$5,000 to \$20,000.<sup>28</sup> Tax abatement programs administered by states are another way to alleviate tax burdens for historic property owners. After rehabilitation, the appraised value of an historic property increases, but a tax abatement essentially will freeze the taxes owed on the property at the level they were before the rehabilitation. These abatements last usually around five years, and can save the property owner significant amounts of money. Currently 24 states, including California, have some sort of tax abatement program.<sup>29</sup> New Jersey's tax abatement legislation is pending.

California's property tax abatement program is administered by local governments.<sup>30</sup> This is applicable to both owner occupied residential housing and commercial buildings. The assessments may be reduced by up to 50 percent, and there is no minimum investment unless the local government requires one. The owner has to sign a 10-year contract to maintain and rehabilitate the structure, if necessary. The penalty for breaking the contract is up to 12.5 percent of the property's value.<sup>31</sup> This incentive for rehabilitation would help the homeowners in Locke with the rehabilitation of historic properties as they would be saving money on their taxes after rehabilitation, without

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<sup>28</sup> *Innovative Tools for Historic Preservation*. Pages 10-11.

<sup>29</sup> Community Partners Program, State Tax Incentives for Rehabilitation Seminar. (Washington, D.C National Trust for Historic Preservation Conference, Community Partners Program, October 19, 1999. Handout on State Tax Incentives for Historic Preservation. October 19, 1999.)

<sup>30</sup> *Forging a Future With a Past: Comprehensive Statewide Historic Preservation Plan for California*. Page 88.

<sup>31</sup> Community Partners Program, State Tax Incentives for Rehabilitation Seminar. (Washington, D.C National Trust for Historic Preservation Conference, Community Partners Program, October 19, 1999. Handout on State Tax Incentives for Historic Preservation. October 19, 1999.)



regard to the issue of land ownership, because the abatement would be given on the basis of structural improvement, not land improvement.

New Jersey has legislation pending that would create the allowance of a 5-year deferral of property tax increases attributable to rehabilitation on homes that are at least 20 years old.<sup>32</sup> Cape May could benefit from this abatement program, especially the Congress Hall Hotel which is in need of rehabilitation. Abbott Farm would not benefit from this so much as the resources needed funding are not built structures but archaeological artifacts.

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<sup>32</sup> Ibid



The National Historic Preservation Act of 1966 brought about a national preservation structure that included state and local participation in the preservation of historic resources. The structure the Act created is to a large extent responsible for all current preservation activities in the country, as without the national legislation, there would have been no legal designation for historic resources.

One might consider that a flaw in the Act regarding consideration of the maintenance capabilities as part of the designation of historic resources. In the designation process, the ability of a site or district to be maintained by private or public sources is not considered. It is useful to compare this to another model, namely The United Nations Education, Scientific and Cultural Organization (UNESCO) Convention Concerning the Protection of the World's Cultural and Natural Heritage does consider maintenance in the designation process of historic resources. Resources that would be eligible for designation have to be government owned. It is important to examine the structure and content of this Conference to discern whether it could be implemented into the National Historic Preservation Act.

The UNESCO designation process follows five main steps in determining eligibility to become a World Heritage Site, which are:<sup>1</sup>

1. The member State parties make a list of cultural and natural properties they consider of "outstanding universal value."
2. The World Heritage Center then checks the State nominations are complete and then forward them on to ICOMOS and or the IUCN. The World Heritage Center

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<sup>1</sup> UNESCO Convention on World Heritage Sites. *Conventions and Recommendations of UNESCO Concerning the Protections of Cultural Heritage*. Paris, France: UNESCO, 1983.





was established in 1992 and acts as the focal point and coordinator within UNESCO for world heritage.

3. Experts from the International Council on Monuments and Sites (ICOMOS) and or the World Conservation Union (IUCN) visit the sites to evaluate their protection and management. They prepare a technical report and assess whether the property is of “outstanding universal value.” Both ICOMOS and the IUCN are non-governmental organizations that serve as advisory bodies to UNESCO.
4. The World Heritage Bureau then examines the evaluation made by ICOMOS and or IUCN and makes a recommendation to the World Heritage Committee. The Bureau can also ask the States for more information at this point. The World Heritage Bureau is a body of seven members of the World Heritage Committee.
5. The World Heritage Committee makes a final decision to inscribe the site on the World Heritage List, or it can defer the inscription pending more in-depth information, or it can refuse the inscription. This Committee is made up of 21 representatives from the State parties to the convention.

The Convention Concerning the Protection of the World Cultural and the Natural Heritage that was written in Paris in 1972 at the 17<sup>th</sup> General Conference mandates consideration of the maintenance and conservation of heritage sites. The opening considerations to the Convention address maintenance and is further detailed in Article 5 of the Convention:<sup>2</sup>

“.....To ensure that active measures are taken for the protection, conservation and presentation of cultural resources, each state shall:

- a. Adopt a policy to integrate protection of heritage into comprehensive planning programs,
- b. Set up in territories, where it doesn't already exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions,

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<sup>2</sup> *Conventions and Recommendations of UNESCO Concerning the Protections of Cultural Heritage.*



- c. Develop scientific and technical studies and research and work out such operating methods as will make the state capable of counteracting the dangers that threaten its cultural or natural heritage.”

To compare the National Historic Preservation Act to UNESCO’s Convention Concerning the Protection of the World Cultural and Natural Heritage, there are two big differences. The first is that the National Historic Preservation Act criteria for designation only consider significance and integrity while the UNESCO Convention also considers the ability of a State to manage the historic site. The National Historic Preservation Act only makes provisions to contribute to preservation efforts of non-federally owned structures and encourages the preservation of private historic resources after designation.<sup>3</sup> Another difference is that to be eligible as a UNESCO World Heritage Site, that site must be owned by the State, while the National Historic Preservation Act encourages the nomination of private property. The UNESCO Convention relies on a “threatened list” similar to the Section 8 Report to publish those sites that are in danger of being lost or de-designated.

Consideration of the ability of the owner of a historic resource, whether it be privately or publicly owned, to maintain their historic resources is something that should be considered in future amendments to the National Historic Preservation Act. This takes away the notion of “pure” conservation of a resource, the designation of a landmark based solely on historic importance, but with maintenance as a consideration rather than a requirement, this does not override the criteria of historic significance. Just the consideration of maintenance would open people’s eyes to a picture larger than just

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<sup>3</sup> *National Historic Preservation Act of 1966*, as amended, Section 101 (e)(3)(A), page 19.



historic significance, namely, the ability of the local community to maintain the site. With Historic Landmarks independently able to support themselves both administratively and monetarily, the National Park Service would be able to focus on other preservation programs.



It is important to point out that more than any other law, the National Historic Preservation Act of 1966, as amended, established the federal, state and local preservation regulatory structure through which preservation activities are conducted in the United States. The National Register of Historic Places, Advisory Council on Historic Preservation, Section 106 Review, National Historic Landmarks, Certified Local Government Program, and Historic Preservation Fund all come from the National Historic Preservation Act. This act has created the mechanisms by which all historically significant resources in the United States have been given recognition and some measure of protection. The programs run by the National Park Service have given technical assistance and important information to stewards of historic resources for thirty years, and for the most part, the system is working well. In consideration for National Historic Landmarks, however, the Act has fallen short, and it is for this reason that National Historic Landmarks have been placed in a perplexing situation.

The Act distinguishes between National Register properties and National Historic Landmarks, but makes few provisions for added protection and support for National Historic Landmarks. What differentiates National Historic Landmarks from National Register properties is that they are not just important to the history of a local area but the entire country. My belief is that since National Historic Landmarks are important to the history of the entire country, the National Historic Preservation Act should have offered even stronger protection and assistance for them.





Since the National Historic Preservation Act does not offer stronger protection and assistance for National Historic Landmarks, state and local historic preservation legislation also do not make special provisions for them. This in turn leaves National Historic Landmarks in the same category as National Register properties in the eyes of state and local government. The National Historic Preservation Act could be amended to provide for stronger protection and assistance for National Historic Landmarks which would help state and local governments distinguish between National Register properties and National Historic Landmarks.

The process of designating an historic resource as a National Historic Landmark is another area that should be reviewed. If there was enough support behind a historic resource or district to get it nominated not only to the National Register but also to be designated as a National Historic Landmark, that support should continue after designation for planning and maintenance. A newly designated National Historic Landmark should not be left to deteriorate after it has been designated as a National Historic Landmark.

Currently, many National Historic Landmark Districts fall under jurisdictions that have little or no preservation education. An example of this is Abbott Farm National Historic Landmark District. The Hamilton Township Historical Society was formed to rehabilitate one building within the district and does not consider the archaeological district as an integral part of the National Historic Landmark District, nor are they interested in helping to preserve the archaeological remains. Archaeological sites face a difficult situation as tourism is not encouraged because of the inherent possibility of



disturbing the artifacts, and there is no way for an archaeological site to become economically viable. One way that Abbott Farm can be helped is in educating the local community so that residents have a full appreciation of the history that is buried under their feet. A sense of pride that they are stewards of such a long history of human settlement can foster a desire to protect the archaeology from looting.

The stewards of many National Historic Landmarks are not trained in preservation and do not have the means to fund-raise, organize, and maintain their historic sites. In the most extreme examples, they are simply homeowners and do not know what resources are out there for them, and might not even have time to go about creating preservation plans if they are just volunteers who work only part-time as stewards.

A situation even worse than untrained stewards is a National Historic Landmark with no stewards. This is the reality for Locke National Historic District. There are no stewards, not even a part-time volunteer to fight to preserve the district. And so Locke is left to the mercy of the county and the state for passive preservation efforts.

Cape May has a strong possibility of removing itself from the list of threatened National Historic Landmarks if the rehabilitation proposal for Congress Hall gets approved and all the funding for the project comes through. Since the city has applied for Certified Local Government status, it could get more support from the State and the National Park Service. The local preservation ordinance might also be given more power as the city takes funding from the state and the city will need to follow the ordinance so that their Certified Local Government status does not get revoked.



Protection of National Historic Landmarks, including districts, is not impossible to come by. Unfortunately, those National Historic Landmarks that are already designated must rely on programs already in place to protect them, but an amendment to the National Historic Preservation Act might help future National Historic Landmarks. By modeling the designation process for National Historic Landmarks after the UNESCO convention, in regards to site management, the country could effectively strengthen future maintenance and protection for National Historic Landmarks. By taking this action, future consideration for historic resources as National Historic Landmarks would not be purely on national significance but also that of management.

The UNESCO legislation considers not only historic significance but also the ability of the state to maintain the historic resource. This does not mean that if that state is unable to maintain the resource that it won't be inscribed, but that the convention involves itself with the state to try to create a support structure for that resource before deciding whether to inscribe the resource or not.

In this country, some states and local governments have recognized the need and have established preservation plans to protect their National Historic Landmarks without solely relying on assistance from the Federal or state government. This occurred in Beaufort, South Carolina. Beaufort was designated as a National Historic Landmark District in 1972, in response to which the city implemented a special planning ordinance for the preservation of this district without any outside assistance. If the maintenance aspect of the UNESCO convention had been part of the National Historic Preservation



Act when Beaufort was being considered, Beaufort would probably have still been designated.

When Bodie was designated as a National Historic Landmark District, the State of California immediately moved in to preserve the district and prevent vandalism to the remote town. The only difference that would have occurred had maintenance been considered in designating National Historic Landmark Districts would have been an earlier involvement of the State in preservation action concerning Bodie.

In addition to amending the National Historic Preservation Act to include consideration of the support structure for a property or district nominated to be a National Historic Landmark, further expansion of the National Historic Landmark Steward's Association will also help in educating and supporting stewards of National Historic Landmarks. The program needs to realize its expressed intentions to extend its boundaries westward so that all of the regional National Park Service offices are included and stewards of all Landmarks are informed of meetings. Once the program has extended to cover the entire country, stewards and National Park Service employees should try to create support for those National Historic Landmarks without any stewardship.

The recommendations set forth in this thesis to aid in the protection of National Historic Landmark Districts are thus as follows:

1. Amendment to the National Historic Preservation Act to distinguish between National Register properties and National Historic Landmarks in order to:





- a. Give State and Local Governments stronger incentives to protect National Historic Landmarks,
- b. Consider the ability of a community to preserve and maintain a potential National Historic Landmark District in the designation process of that Landmark
- c. Provide further support for the National Historic Landmarks Stewards' Association in order to further promote the Program in order to reach the Stewards for every National Historic Landmark, and help identify Stewards for National Historic Landmarks that don't have any.



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